

clude any distinctive proprietary food compound not readily mistaken in taste for milk or cream or for evaporated, condensed, or powdered milk, or cream where such compound (1) is prepared and designed for feeding infants and young children and customarily used on the order of a physician; (2) is packed in individual cans containing not more than sixteen and one-half ounces and bearing a label in bold type that the content is to be used only for said purpose; (3) is shipped in interstate or foreign commerce exclusively to physicians, wholesale and retail druggists, orphan asylums, child-welfare associations, hospitals, and similar institutions and generally disposed of by them.

(Mar. 4, 1923, ch. 262, § 1, 42 Stat. 1486.)

#### SHORT TITLE

Act July 12, 1943, ch. 221, title II, 57 Stat. 499, provided in part that act Mar. 4, 1923, which enacted this chapter, may be cited as the "Filled Milk Act".

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 62 of this title.

### § 62. Manufacture, shipment, or delivery for shipment in interstate or foreign commerce prohibited

It is declared that filled milk, as defined in section 61 of this title, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public. It shall be unlawful for any person to manufacture within any Territory or possession, or within the District of Columbia, or to ship or deliver for shipment in interstate or foreign commerce, any filled milk.

(Mar. 4, 1923, ch. 262, § 2, 42 Stat. 1487.)

### § 63. Penalties; acts of agents deemed acts of principals

Any person violating any provision of this chapter shall upon conviction thereof be subject to a fine of not more than \$1,000 or imprisonment of not more than one year, or both. When construing and enforcing the provisions of this chapter, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure, of such individual, partnership, corporation, or association, as well as of such person.

(Mar. 4, 1923, ch. 262, § 3, 42 Stat. 1487.)

#### CODIFICATION

The original text of this section contained a further provision that no penalty should be enforced for any violation occurring within 30 days after act Mar. 4, 1923 became law and was omitted as temporary and obsolete.

### § 64. Regulations for enforcement

The Secretary of Health and Human Services is authorized and directed to make and enforce such regulations as may in his judgment be necessary to carry out the purposes of this chapter.

(Mar. 4, 1923, ch. 262, § 4, as added Aug. 27, 1935, ch. 743, 49 Stat. 885; 1940 Reorg. Plan No. IV, § 12,

eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96-88, title V, § 509(b), 93 Stat. 695.)

#### CHANGE OF NAME

"Secretary of Health and Human Services" substituted in text for "Secretary of Health, Education, and Welfare" pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

#### TRANSFER OF FUNCTIONS

For transfer of functions of Federal Security Administrator to Secretary of Health, Education, and Welfare [now Health and Human Services], and of Food and Drug Administration to Federal Security Agency, see note set out under section 41 of this title.

## CHAPTER 4—ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

### SUBCHAPTER I—EXAMINATION OF ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

Sec.

71 to 99. Transferred, Repealed, or Omitted.

### SUBCHAPTER II—IMPORTATION OF CATTLE AND QUARANTINE

- 101. Suspension of importation of all animals.
- 102. Quarantine of imported animals.
- 103. Importation, except at quarantine ports, prohibited; slaughter of infected animals; appraisal; payment.
- 104. Importation of animals.
  - (a) In general.
  - (b) Penalties.
- 105. Inspection of animals.
- 106, 107. Omitted.

### SUBCHAPTER III—PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

- 111. Regulations to prevent contagious diseases.
- 112. Investigations as to pleuropneumonia, and other diseases; regulations.
- 112a. Omitted.
- 113. Measures to prevent exportation of diseased livestock and live poultry.
- 113a. Establishment of research laboratories for foot-and-mouth disease and other animal diseases; research contracts; employment of technicians and scientists; appropriations.
- 114. Regulations for suppression of diseases; cooperation of States and Territories.
- 114a. Control and eradication of diseases; cooperation of States and farmers' associations; purchase and destruction of diseased animals; "State" defined.
- 114a-1. Interstate movement of domestic animals reacting to tests for brucellosis; immediate slaughter; rules and regulations.
- 114b. Cooperation in animal disease control.
- 114c. Use of funds.
- 114d. Sale of sterile screwworms.
  - (a) In general.
  - (b) Terms of sale.
  - (c) Deposit of proceeds.
- 114d-1. Cooperation with public and private entities.
- 114d-2 to 114d-6. Repealed.
- 114e. Control and eradication of cattle grubs; research and investigations.
- 114f. "State" defined; authorization of appropriations.
- 114g. Hog cholera eradication program.
- 114h. Advisory committee.
  - (a) Establishment; membership.
  - (b) Functions.
  - (c) Employment status; expenses.

- Sec.  
114i. Pseudorabies eradication.  
    (a) Findings.  
    (b) Establishment of program.  
    (c) Use of funds for testing and control of pseudorabies.  
    (d) Authorization of appropriations.
115. Transportation of diseased livestock and live poultry prohibited.
116. Shipment of certain cattle excepted.
117. Penalties for transportation of diseased livestock or live poultry.  
    (a) Criminal penalty.  
    (b) Civil penalty.
118. Duty of United States attorneys.
119. Agents to examine and report on methods of treatment of animals, and means for suppression of diseases.
120. Regulation of exportation and transportation of infected livestock and live poultry.
121. Shipments from areas suspected infected; control of animals and live poultry.
122. Offenses; penalty.
123. Quarantine.
124. Transportation or delivery therefor from quarantined State or Territory or portion thereof, of quarantined animals and live poultry, forbidden.
125. Regulations for inspection, disinfection, and certification, and delivery and shipment of quarantined animals and live poultry from State or Territory.
126. Moving quarantined animals and live poultry from State or Territory, under regulations.
127. Transportation from quarantined State, Territory, etc.; penalty.
128. Extension of quarantine law to carriers in interstate commerce.
129. Expenses for arrest and eradication of contagious or infectious diseases or pests of animals, poultry, or plants.
130. Pleuropneumonia in District of Columbia; duties of Council of the District of Columbia.
131. Fences along international boundary lines to keep out diseased animals.
- 132, 133. Transferred or Repealed.
134. Definitions.
- 134a. Seizure, quarantine, and disposal of livestock or poultry to guard against introduction or dissemination of communicable disease.  
    (a) Authority of Secretary.  
    (b) Determination of extraordinary emergency due to dangerous communicable disease; seizure, quarantine, and disposal of animals; action authorized only if adequate measures not taken by State or other jurisdiction; notice to State or other jurisdiction.  
    (c) Notice to owner to quarantine or to dispose of animal, carcass, product, or article; action on failure to comply; costs.  
    (d) Compensation of owner; fair market value; payments from State or other source; availability of funds.  
    (e) Restriction on payment of compensation in cases of violation of law or regulation.
- 134b. Regulations for clean and sanitary movement of animals.
- 134c. Regulations for movement of animals affected or exposed to communicable disease.
- 134d. Inspections and seizures; issuance of warrants.
- 134e. Enforcement provisions.  
    (a) Criminal and civil penalties.  
    (b) Injunctive proceedings.
- 134f. Promulgation of regulations.
- 134g. Authority in addition to other laws; repeal of inconsistent provisions.

- Sec.  
134h. Separability.
135. International animal quarantine station; establishment; acceptance of gifts; cooperation with breeders' organizations; collection of fees.
- 135a. Smuggling penalties.  
    (a) Criminal penalty.  
    (b) Civil penalty.
- 135b. Authorization of appropriations.
136. Additional inspection services.
- 136a. Collection of fees for inspection services.  
    (a) Quarantine, inspection and transportation fees.  
    (b) Omitted.  
    (c) Animal inspection and veterinary diagnostics.  
    (d) Regulations.  
    (e) Recovery of amounts owed.  
    (f) Definitions.

#### SUBCHAPTER IV—IMPORTATION OF MILK AND CREAM

141. Prohibition of importation without permit.
142. Milk or cream when unfit for importation.
143. Inspection; certified statement in lieu thereof; waiver of requirements of section 142; regulations; suspension and revocation of permits.
144. Unlawful receiving of imported milk or cream.
145. Penalties.
146. Authorization of appropriations.
147. Repeal of inconsistent laws.
148. Powers of State with respect to milk or cream lawfully imported.
149. Definitions.

#### SUBCHAPTER I—EXAMINATION OF ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

#### §§ 71 to 92. Transferred

##### CODIFICATION

Section 71, act Mar. 4, 1907, ch. 2907, 34 Stat. 1260, which related to inspection of meat and meat food products, examination of cattle before slaughtering, separate slaughtering of diseased animals and examination of carcasses, was transferred to section 603 of this title.

Section 72, act Mar. 4, 1907, ch. 2907, 34 Stat. 1260, which related to post mortem examination of carcasses, marking and labeling, destruction of condemned carcasses, and reinspection, was transferred to section 604 of this title.

Section 73, act Mar. 4, 1907, ch. 2907, 34 Stat. 1261, which related to examination of carcasses brought into slaughtering or packing establishments and of meat food products issued from and returned thereto, was transferred to section 605 of this title.

Section 74, act Mar. 4, 1907, ch. 2907, 34 Stat. 1261, which related to examination and inspection of meat food products, marks of inspection, destruction of condemned products, and products for export, was transferred to section 606 of this title.

Section 75, act Mar. 4, 1907, ch. 2907, 34 Stat. 1262, which related to labeling of receptacles and coverings of meat and meat food products inspected and passed, supervision by inspectors, prohibition of sales under false names, was transferred to section 607 of this title.

Section 76, act Mar. 4, 1907, ch. 2907, 34 Stat. 1262, which related to sanitary inspection and regulation of slaughtering and packing establishments, and rejection of meat or meat food products unfit for food, was transferred to section 608 of this title.

Section 77, act Mar. 4, 1907, ch. 2907, 34 Stat. 1262, which related to examination of cattle and food products thereof slaughtered and prepared during night time, was transferred to section 609 of this title.

Section 78, act Mar. 4, 1907, ch. 2907, 34 Stat. 1262, which related to prohibition of transportation of carcasses, meat, or meat food products not properly inspected and marked, was transferred to section 610 of this title.

Section 79, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to forgery, alteration, and unauthorized use of marks, labels, and certificates, was transferred to section 611 of this title.

Section 80, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to inspection of animals for export, was transferred to section 612 of this title.

Section 81, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to certificates of condition of animals for export, was transferred to section 613 of this title.

Section 82, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to clearance to vessels carrying cattle for export with proper certificate of inspection, was transferred to section 614 of this title.

Section 83, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to inspection of carcasses, the meat of which is intended for export, was transferred to section 615 of this title.

Section 84, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to certificates of condition of carcasses, the meat of which is intended for export, was transferred to section 616 of this title.

Section 85, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to clearance to vessels carrying meat for export with proper certificate of inspection, was transferred to section 617 of this title.

Section 86, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to official certificates of inspection and delivery of copies thereof to different parties, was transferred to section 618 of this title.

Section 87, act Mar. 4, 1907, ch. 2907, 34 Stat. 1264, which related to prohibition of transportation or sale of meat or meat food products without complying with provisions of inspection law, was transferred to section 619 of this title.

Section 88, act Mar. 4, 1907, ch. 2907, 34 Stat. 1264, which related to offenses and penalties, was transferred to section 620 of this title.

Section 89, act Mar. 4, 1907, ch. 2907, 34 Stat. 1264, which related to appointment of inspectors, their duties, and rule making authority of the Secretary of Agriculture, was transferred to section 621 of this title.

Section 90, act Mar. 4, 1907, ch. 2907, 34 Stat. 1264, which related to penalties for bribery, was transferred to section 622 of this title.

Section 91, acts Mar. 4, 1907, ch. 2907, 34 Stat. 1265; June 29, 1938, ch. 810, 52 Stat. 1235, which related to definitions, exceptions to inspection requirements in case of farmers and retailers, and penalties for sale of meat and meat food products unfit for food, was transferred to section 623 of this title.

Section 92, act Mar. 4, 1907, ch. 2907, 34 Stat. 1265, which was a proviso following the first sentence of section 91 of this title, was restored to that section and has been transferred to section 623 of this title.

### **§ 93. Repealed. May 29, 1928, ch. 901, § 1(92), 45 Stat. 993**

Section, act Mar. 4, 1907, ch. 2907, 34 Stat. 1265, related to statement in annual estimates as to persons employed, their compensation and expenses.

### **§§ 94 to 95. Transferred**

#### **CODIFICATION**

Section 94, act June 30, 1914, ch. 131, 38 Stat. 420, which related to inspection of reindeer, was transferred to section 692 of this title.

Section 94a, act May 23, 1908, ch. 192, 35 Stat. 254, which related to inspection of dairy products for export, was transferred to section 693 of this title.

Section 95, acts June 30, 1906, ch. 3913, 34 Stat. 679; June 26, 1934, ch. 756, § 2, 48 Stat. 1225, which related to authorization of appropriations for expenses of inspection, was transferred to section 694 of this title.

### **§ 96. Repealed. Pub. L. 90-201, § 18, Dec. 15, 1967, 81 Stat. 600**

Section, act July 24, 1919, ch. 26, 41 Stat. 241, provided for marking horse meat transported in interstate commerce. See section 619 of this title.

#### **EFFECTIVE DATE OF REPEAL**

Repeal effective Dec. 15, 1967, see section 20 of Pub. L. 90-201, set out as an Effective Date note under section 601 of this title.

### **§§ 97 to 97d. Omitted**

#### **CODIFICATION**

Sections 97 to 97d, act July 30, 1947, ch. 356, title I, § 1, 61 Stat. 531, 532, set up a meat inspection fund and provided for payment for meat inspection service by the persons or organizations who were furnished such inspection on and after July 1, 1947. These provisions ceased to be effective on July 1, 1948, under section 98 of this title which requires the cost of such inspection to be borne by the United States. The unobligated balance in the meat inspection fund was carried to the general fund of the Treasury by act June 19, 1948, ch. 543, § 1, 62 Stat. 515.

### **§ 98. Transferred**

#### **CODIFICATION**

Section, act June 5, 1948, ch. 423, 62 Stat. 344, which related to payment of cost of meat inspection, was transferred to section 695 of this title.

### **§ 99. Repealed. July 28, 1953, ch. 251, title I, § 101, 67 Stat. 208**

Section, act Aug. 31, 1951, ch. 374, title I, § 101, 65 Stat. 229, related to reimbursement for excess expenses of meat inspection.

## **SUBCHAPTER II—IMPORTATION OF CATTLE AND QUARANTINE**

### **§ 101. Suspension of importation of all animals**

Whenever, in the opinion of the President, it shall be necessary for the protection of animals in the United States against infectious or contagious diseases, he may, by proclamation, suspend the importation of all or any class of animals for a limited time, and may change, modify, revoke, or renew such proclamation, as the public good may require; and during the time of such suspension the importation of any such animals shall be unlawful.

(Aug. 30, 1890, ch. 839, § 9, 26 Stat. 416.)

#### **SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 104, 136a of this title; title 16 section 1540.

### **§ 102. Quarantine of imported animals**

The Secretary of Agriculture is authorized, at the expense of the owner, to place and retain in quarantine all neat cattle, sheep, and other ruminants, and all swine, imported into the United States, at such ports as he may designate for such purpose, and under such conditions as he may by regulation prescribe, respectively, for the several classes of animals above described. For this purpose he may have and maintain possession of all lands, buildings, animals, tools, fixtures, and appurtenances in use on August 3, 1890, for the quarantine of neat cattle, and pur-

chase, construct, or rent as may be necessary, and he may appoint veterinary surgeons, inspectors, officers, and employees by him deemed necessary to maintain such quarantine, and provide for the execution of the other provisions of this subchapter.

(Aug. 30, 1890, ch. 839, § 7, 26 Stat. 416.)

#### REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this Act”, meaning act Aug. 30, 1890, ch. 839, 26 Stat. 415, as amended, which is classified to sections 18, and 101 to 105 of this title and section 181 of Title 19, Customs Duties. For complete classification of this Act to the Code, see Tables.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 104, 136a of this title; title 16 section 1540.

### § 103. Importation, except at quarantine ports, prohibited; slaughter of infected animals; appraisal; payment

The importation of all animals described in this subchapter into any port in the United States, except such as may be designated by the Secretary of Agriculture, with the approval of the Secretary of the Treasury, as quarantine stations, is prohibited. The Secretary of Agriculture may cause to be slaughtered such of the animals named in this subchapter as may be, under regulations prescribed by him, adjudged to be infected with any contagious disease, or to have been exposed to infection so as to be dangerous to other animals. The value of animals so slaughtered as being so exposed to infection but not infected may be ascertained by agreement of the Secretary of Agriculture and the owners thereof if practicable; otherwise, by the appraisal by two persons familiar with the character and value of such property, to be appointed by the Secretary of Agriculture, whose decision, if they agree, shall be final; otherwise, the Secretary of Agriculture shall decide between them, and his decision shall be final. The amount of the value thus ascertained shall be paid to the owner thereof out of money in the Treasury appropriated for the use of the Bureau of Animal Industry; but no payment shall be made for any animal imported in violation of the provisions of this subchapter. If any animal subject to quarantine according to the provisions of this subchapter are brought into any port of the United States where no quarantine station is established, the collector of such port shall require the same to be conveyed, by the vessel on which they are imported or are found to the nearest quarantine station, at the expense of the owner.

(Aug. 30, 1890, ch. 839, § 8, 26 Stat. 416.)

#### REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this Act”, meaning act Aug. 30, 1890, ch. 839, 26 Stat. 415, as amended, which is classified to sections 18, and 101 to 105 of this title and section 181 of Title 19, Customs Duties. For complete classification of this Act to the Code, see Tables.

#### TRANSFER OF FUNCTIONS

Functions of Bureau of Animal Industry transferred to Secretary of Agriculture by Reorg. Plan No. 1 of

1947, § 301, eff. July 1, 1947, 12 F.R. 4534, 61 Stat. 952, set out in the Appendix to Title 5, Government Organization and Employees.

For abolition of the offices of collector of customs, see note set out under section 44 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 104, 136a of this title; title 16 section 1540.

### § 104. Importation of animals

#### (a) In general

The Secretary of Agriculture may by regulation prohibit or restrict the importation or entry of any cattle, sheep, or other ruminants, or swine, that are diseased or infected with any disease, or that have been exposed to an infection, into or through the United States to prevent the dissemination into the United States of a disease.

#### (b) Penalties

##### (1) Criminal

Any person who knowingly violates any regulation promulgated by the Secretary pursuant to this section, or any provision of sections 101, 102, 103, and 105 of this title or any regulation promulgated by the Secretary pursuant to such sections, shall be fined under title 18 or imprisoned not more than 1 year, or both.

##### (2) Civil

Any person who violates any such provision or any such regulation may be assessed a civil penalty by the Secretary of Agriculture not exceeding \$1,000. The Secretary may issue an order assessing the civil penalty only after notice and an opportunity for an agency hearing on the record. The order shall be treated as a final order reviewable under chapter 158 of title 28. The validity of the order may not be reviewed in an action to collect such civil penalty.

(Aug. 30, 1890, ch. 839, § 6, 26 Stat. 416; June 28, 1926, ch. 700, § 2, 44 Stat. 775; Feb. 28, 1931, ch. 348, 46 Stat. 1460; July 22, 1954, ch. 558, § 32, 68 Stat. 510; Jan. 28, 1956, ch. 12, § 1, 70 Stat. 5; Jan. 12, 1983, Pub. L. 97-461, § 4, 96 Stat. 2524; Dec. 8, 1993, Pub. L. 103-182, title III, § 361(b), 107 Stat. 2122; Dec. 8, 1994, Pub. L. 103-465, title IV, § 431(h), 108 Stat. 4969.)

#### AMENDMENTS

1994—Pub. L. 103-465 amended section generally. Prior to amendment, section read as follows: “The importation of cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is prohibited, except that the Secretary of Agriculture, in accordance with such regulations as the Secretary may issue, may (1) permit the importation of cattle, sheep, or other ruminants, and swine, from Canada or Mexico, and (2) permit the importation from the British Virgin Islands into the Virgin Islands of the United States, for slaughter only, of cattle that have been infested with or exposed to ticks on being freed from the ticks. Any person who knowingly violates any provision of this section or sections 101, 102, 103, and 105 of this title or any regulation prescribed by the Secretary of Agriculture under any such section shall be guilty of a misdemeanor and shall, on conviction, be punished by a

fine not exceeding \$5,000, by imprisonment not exceeding one year, or both. Any person who violates any such provision or any such regulation may be assessed a civil penalty by the Secretary of Agriculture not exceeding \$1,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28. The validity of such order may not be reviewed in an action to collect such civil penalty."

1993—Pub. L. 103-182 substituted " , except that the Secretary of Agriculture, in accordance with such regulations as the Secretary may issue, may (1) permit the importation of cattle, sheep, or other ruminants, and swine, from Canada or Mexico, and (2) permit the importation from the British Virgin Islands into the Virgin Islands of the United States, for slaughter only, of cattle that have been infested with or exposed to ticks on being freed from the ticks" for " : *Provided*, That the Secretary of Agriculture, within his discretion and under such regulations as he may prescribe, is authorized to permit the admission from Mexico into the State of Texas of cattle which have been infested with or exposed to ticks upon being freed therefrom, and the admission from the British Virgin Islands into the Virgin Islands of the United States, for slaughter only, of cattle which have been infested with or exposed to ticks upon being freed therefrom".

1983—Pub. L. 97-461 substituted reference to violation of this section or sections 101, 102, 103, and 105 of this title or any regulation prescribed by the Secretary of Agriculture under any such section, for reference to violation of the foregoing provisions, substituted imprisonment not exceeding one year for imprisonment not exceeding three years, inserted provisions relating to civil penalties, and struck out provision for forfeiture of any vessel used for such importation if the master or owner knew the importation was diseased or had been exposed to infection.

1956—Act Jan. 28, 1956, struck out "and the admission into the Virgin Islands" in proviso and limited importation of cattle into Virgin Islands of the United States to cattle from the British Virgin Islands intended for slaughter.

1954—Act July 22, 1954, inserted "and the admission into the Virgin Islands" in proviso.

1931—Act Feb. 28, 1931, struck out "meat" and substituted "before their exportation" for "before their importation" in provisions relating to the prohibition of importation of diseased or infected animals.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-465 effective, except as otherwise provided, on the date of entry into force of the World Trade Organization Agreement with respect to the United States [Jan. 1, 1995], see section 451 of Pub. L. 103-465, set out as an Effective Date note under section 3601 of Title 19, Customs Duties.

#### EFFECTIVE DATE OF 1954 AMENDMENT

For effective date of amendment by act July 22, 1954, see section 34 of act July 22, 1954, set out as an Effective Date note under section 1541 of Title 48, Territories and Insular Possessions.

#### CROSS REFERENCES

Cattle, sheep, swine and meats; importation prohibited in certain cases, see section 1306 of Title 19, Customs Duties.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

### § 105. Inspection of animals

The Secretary of Agriculture may cause careful inspection of any imported animals described in this subchapter, to ascertain whether such

animals are infected with contagious diseases or have been exposed to infection so as to be dangerous to other animals, which shall then either be placed in quarantine or dealt with according to the regulations of the Secretary of Agriculture. All food, litter, manure, clothing, utensils, and other appliances that have been so related to such animals on board ship as to be judged liable to convey infection shall be dealt with according to the regulations of the Secretary of Agriculture. The Secretary of Agriculture may cause inspection to be made of all animals described in this subchapter intended for exportation, and provide for the disinfection of all vessels engaged in the transportation thereof, and of all barges or other vessels used in the conveyance of such animals intended for export to the ocean steamer or other vessels, and of all attendants and their clothing, and of all headropes and other appliances used in such exportation, by such orders and regulations as he may prescribe; and if, upon such inspection, any such animals shall be adjudged, under the regulations of the Secretary of Agriculture, to be infected or to have been exposed to infection so as to be dangerous to other animals, the Secretary may prohibit or restrict their placement upon any vessel for exportation; the expense of all the inspection and disinfection provided for in this section to be borne by the owners of the vessels on which such animals are exported.

(Aug. 30, 1890, ch. 839, §10, 26 Stat. 417; Dec. 8, 1993, Pub. L. 103-182, title III, §361(c), 107 Stat. 2122; Dec. 8, 1994, Pub. L. 103-465, title IV, §431(i), 108 Stat. 4969.)

#### REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this Act", meaning act Aug. 30, 1890, ch. 839, 26 Stat. 415, as amended, which is classified to sections 18 and 101 to 105 of this title and section 181 of Title 19, Customs Duties. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

1994—Pub. L. 103-465 struck out subsec. (a) heading "In general", in first sentence, substituted "The" for "Except as provided in subsection (b) of this section, the" and "may cause careful inspection of any" for "shall cause careful inspection to be made by a suitable officer of all", in third sentence, substituted "the Secretary may prohibit or restrict their placement" for "they shall not be allowed to be placed", and struck out heading and text of subsec. (b). Prior to amendment, text read as follows: "The Secretary of Agriculture, in accordance with such regulations as the Secretary may issue, may waive any provision of subsection (a) of this section in the case of shipments between the United States and Canada or Mexico."

1993—Pub. L. 103-182 inserted section catchline, designated existing provisions as subsec. (a), inserted heading and exception to subsec. (b), and added subsec. (b).

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-465 effective, except as otherwise provided, on the date of entry into force of the World Trade Organization Agreement with respect to the United States [Jan. 1, 1995], see section 451 of Pub. L. 103-465, set out as an Effective Date note under section 3601 of Title 19, Customs Duties.

#### CROSS REFERENCES

Inspection of animals for export, see section 612 et seq. of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 104, 136a of this title; title 16 section 1540.

**§§ 106, 107. Omitted**

## CODIFICATION

Sections, acts Aug. 10, 1917, ch. 52, §9, 40 Stat. 275; Nov. 21, 1918, ch. 212, §3, 40 Stat. 1048, related to slaughter of tick-infested cattle. Section 12 of act Aug. 10, 1917, provided that the act should cease to be in effect when the national emergency resulting from World War I had passed.

## SUBCHAPTER III—PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

**§ 111. Regulations to prevent contagious diseases**

The Secretary of Agriculture shall have authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals and/or live poultry from a foreign country into the United States or from one State or Territory of the United States or the District of Columbia to another, and to seize, quarantine, and dispose of any hay, straw, forage, or similar material, or any meats, hides, or other animal products coming from an infected foreign country to the United States, or from one State or Territory or the District of Columbia in transit to another State or Territory or the District of Columbia whenever in his judgment such action is advisable in order to guard against the introduction or spread of such contagion.

(Feb. 2, 1903, ch. 349, §2, 32 Stat. 792; Feb. 7, 1928, ch. 30, 45 Stat. 59; July 22, 1954, ch. 558, §33, 68 Stat. 510; Jan. 28, 1956, ch. 12, §2, 70 Stat. 5.)

## AMENDMENTS

1956—Act Jan. 28, 1956, struck out proviso “that no such regulations or measures shall pertain to the introduction of live poultry into the Virgin Islands of the United States”.

1954—Act July 22, 1954, inserted proviso containing an exception with respect to admission of live poultry into the Virgin Islands.

1928—Act Feb. 7, 1928, inserted “and/or live poultry”.

## EFFECTIVE DATE OF 1954 AMENDMENT

For effective date of amendment by act July 22, 1954, see section 34 of act July 22, 1954, set out as an Effective Date note under section 1541 of Title 48, Territories and Insular Possessions.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 114g, 122, 136a of this title; title 16 section 1540.

**§ 112. Investigations as to pleuropneumonia, and other diseases; regulations**

In order to promote the exportation of livestock and/or live poultry from the United States the Secretary of Agriculture shall make special investigation as to the existence of pleuropneumonia, or any contagious, infectious, or communicable disease, along the dividing lines between the United States and foreign countries, and along the lines of transportation from all parts of the United States to ports from which live-

stock and/or live poultry are exported, and shall, from time to time, establish such regulations concerning the exportation and transportation of livestock and/or live poultry as the results of said investigations may require.

(May 29, 1884, ch. 60, §4, 23 Stat. 32; Feb. 2, 1903, ch. 349, §1, 32 Stat. 791; Feb. 7, 1928, ch. 30, 45 Stat. 59.)

## CODIFICATION

Originally this section and sections 113, 114, 117, 119, 120, and 130 of this title read “Commissioner” instead of “Secretary” of Agriculture, and this section contained between the words “and” and “shall,” the additional words “make report of the results of such investigation to the Secretary of the Treasury, who”.

Designation of office of Commissioner of Agriculture changed by change of department into an executive department under a Secretary of Agriculture, by act Feb. 9, 1889, ch. 122, §1, 25 Stat. 659, set out as section 2202 of Title 7, Agriculture. Authority granted to Commissioner by act May 29, 1884, vested in Secretary of Agriculture by a provision of act July 14, 1890, ch. 707, 26 Stat. 288, set out as section 2205 of Title 7.

Powers conferred on Secretary of the Treasury by act May 29, 1884, were conferred on Secretary of Agriculture by part of section 1 of act Feb. 2, 1903. Remainder of such section 1 is classified to sections 113, 120, and 121 of this title.

## AMENDMENTS

1928—Act Feb. 7, 1928, inserted “and/or live poultry” after “livestock” wherever appearing.

## SHORT TITLE

Act Feb. 2, 1903, classified to sections 112 and 120 to 122 of this title, entitled, “An act to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes” is popularly known as the Cattle Contagious Diseases Act of 1903.

Act May 29, 1884, entitled, “An act for the establishment of a Bureau of Animal Industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals” is popularly known as the Animal Industry Act. The Act is classified to sections 112, 113 to 114a-1, 115, 116, 117 to 120, and 130 of this title and section 391 of Title 7, Agriculture.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 118, 119, 136a of this title; title 16 section 1540.

**§ 112a. Omitted**

## CODIFICATION

Section, act Feb. 7, 1928, ch. 30, 45 Stat. 59, amended acts May 29, 1884, ch. 60, 22 Stat. 31; Feb. 2, 1903, ch. 349, 32 Stat. 791; and Mar. 3, 1905, ch. 1496, 33 Stat. 1264, to include live poultry in their provisions, added “and/or live poultry” following “live stock” wherever the term “live stock” appeared, and extended the penalty provisions of said acts to live poultry.

**§ 113. Measures to prevent exportation of diseased livestock and live poultry**

In order to prevent the exportation from any port of the United States to any port in a foreign country of livestock and/or live poultry affected with any contagious, infectious, or communicable disease, and especially pleuropneumonia, the Secretary of Agriculture is authorized to take such steps and adopt such measures,

not inconsistent with the provisions of this Act, as he may deem necessary.

(May 29, 1884, ch. 60, § 5, 23 Stat. 32; Feb. 2, 1903, ch. 349, § 1, 32 Stat. 791; Feb. 7, 1928, ch. 30, 45 Stat. 59.)

#### REFERENCES IN TEXT

This Act, referred to in text, is act May 29, 1884, ch. 60, 23 Stat. 31, as amended, which is popularly known as the Animal Industry Act. For complete classification of this Act to the Code, see Short Title note set out under section 112 of this title and Tables.

#### CODIFICATION

Section is comprised of part of section 1 of act Feb. 2, 1903. Remainder of such section 1 is classified to sections 112, 120, and 121 of this title.

Substitution of Secretary of Agriculture for Commissioner of Agriculture, see note set out under section 112 of this title.

#### AMENDMENTS

1928—Act Feb. 7, 1928, inserted “and/or live poultry”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

### **§ 113a. Establishment of research laboratories for foot-and-mouth disease and other animal diseases; research contracts; employment of technicians and scientists; appropriations**

The Secretary of Agriculture is authorized to establish research laboratories, including the acquisition of necessary land, buildings, or facilities, and also the making of research contracts under the authority contained in section 427i(a) of title 7, for research and study, in the United States or elsewhere, of foot-and-mouth disease and other animal diseases which in the opinion of the Secretary constitute a threat to the livestock industry of the United States: *Provided*, That no live virus of foot-and-mouth disease may be introduced for any purpose into any part of the mainland of the United States (except coastal islands separated therefrom by water navigable for deep-water navigation and which shall not be connected with the mainland by any tunnel) unless the Secretary determines that it is necessary and in the public interest for the conduct of research and study in the United States (except at Brookhaven National Laboratory in Upton, New York) and issues a permit under such rules as the Secretary shall promulgate to protect animal health, except that the Secretary of Agriculture may transport said virus in the original package across the mainland under adequate safeguards, and except further, that in the event of outbreak of foot-and-mouth disease in this country, the Secretary of Agriculture may, at his discretion, permit said virus to be brought into the United States under adequate safeguards. To carry out the provisions of this section, the Secretary is authorized to employ technical experts or scientists: *Provided*, That the number so employed shall not exceed five and that the maximum compensation for each shall not exceed the highest rate of grade 18 of the General Schedule. There is authorized to be appropriated such sums as Congress may deem necessary; in addition, the Secretary is authorized to utilize in carrying out this section,

funds otherwise available for the control or eradication of such diseases.

(May 29, 1884, ch. 60, § 12, as added Apr. 24, 1948, ch. 229, 62 Stat. 198; amended July 31, 1956, ch. 804, title I, § 119, 70 Stat. 742; July 31, 1958, Pub. L. 85-573, 72 Stat. 454; Oct. 11, 1962, Pub. L. 87-793, § 1001(e), 76 Stat. 864; Aug. 14, 1964, Pub. L. 88-426, title III, § 305(1), 78 Stat. 422; Nov. 28, 1990, Pub. L. 101-624, title XVI, § 1618(b), 104 Stat. 3733.)

#### CODIFICATION

Provisions that authorized the Secretary to employ technical experts and scientists “without regard to the Classification Act”, meaning the Classification Act of 1923, were omitted as obsolete. Sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the 1923 Act and all laws or parts of laws inconsistent with the 1949 Act. While section 1106(a) of the 1949 Act provided that references in other laws to the 1923 Act should be held and considered to mean the 1949 Act, it did not have the effect of continuing the exception contained in this section because of section 1106(b) which provided that the application of the 1949 Act to any position, officer, or employee shall not be affected by section 1106(a). The Classification Act of 1949 was repealed by Pub. L. 89-554, Sept. 6, 1966, § 8(a), 80 Stat. 632 (the first section of which revised and enacted Title 5, Government Organization and Employees, into law). Section 5102 of Title 5 contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Office of Personnel Management to determine the applicability to specific positions and employees.

#### AMENDMENTS

1990—Pub. L. 101-624 substituted “United States (except” for “United States except” and “tunnel) unless the Secretary determines that it is necessary and in the public interest for the conduct of research and study in the United States (except at Brookhaven National Laboratory in Upton, New York) and issues a permit under such rules as the Secretary shall promulgate to protect animal health,” for “tunnel, and”.

1962—Pub. L. 87-793 substituted “shall not exceed the highest rate of grade 18 of the General Schedule” for “shall not exceed \$19,000 per annum”.

1958—Pub. L. 85-573 inserted in proviso clause of first sentence the exception clause respecting transportation of virus in original package across mainland under adequate safeguards.

#### EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-793 effective on first day of first pay period which begins on or after Oct. 11, 1962.

#### REPEALS

Act July 31, 1956, ch. 804, title I, § 119, 70 Stat. 742, which increased the maximum compensation of technical experts or scientists, was repealed by Pub. L. 88-426, title III, § 305(1), Aug. 14, 1964, 78 Stat. 422.

#### REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 118, 119, 136a of this title; title 16 section 1540.

**§ 114. Regulations for suppression of diseases; co-operation of States and Territories**

It shall be the duty of the Secretary of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of pleuropneumonia and other dangerous, contagious, infectious, and communicable diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to cooperate in the execution and enforcement of this Act. Whenever the plans and methods of the Secretary of Agriculture shall be accepted by any State or Territory in which pleuropneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Secretary of Agriculture, and whenever the governor of a State or other properly constituted authorities signify their readiness to cooperate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this Act, the Secretary of Agriculture is authorized to expend so much of the money appropriated for carrying out the provisions of this Act as may be necessary in such investigations, and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one State or Territory into another.

(May 29, 1884, ch. 60, § 3, 23 Stat. 32.)

REFERENCES IN TEXT

This Act, referred to in text, is act May 29, 1884, ch. 60, 23 Stat. 31, as amended, which is popularly known as the Animal Industry Act. For complete classification of this Act to the Code, see Short Title note set out under section 112 of this title and Tables.

CODIFICATION

Substitution of Secretary of Agriculture for Commissioner of Agriculture, see note set out under section 112 of this title.

EXTENSION OF PROVISIONS TO LIVE POULTRY

Act Feb. 7, 1928, ch. 30, 45 Stat. 59, extended the provisions of this section to live poultry.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 118, 119, 136a of this title; title 16 section 1540.

**§ 114a. Control and eradication of diseases; co-operation of States and farmers' associations; purchase and destruction of diseased animals; "State" defined**

The Secretary of Agriculture, either independently or in cooperation with States or political subdivisions thereof, farmers' associations and similar organizations, and individuals, is authorized to control and eradicate any communicable diseases of livestock or poultry, including, but not limited to, tuberculosis and paratuberculosis of animals, avian tuberculosis, brucellosis of domestic animals, southern cattle ticks, hog cholera and related swine diseases, scabies in sheep and cattle, dourine in horses, scrapie and blue tongue in sheep, incipient or

potentially serious minor outbreaks of diseases of animals, and contagious or infectious diseases of animals (such as foot-and-mouth disease, rinderpest, and contagious pleuropneumonia) which in the opinion of the Secretary constitute an emergency and threaten the livestock industry of the country, including the payment of claims growing out of destruction of animals (including poultry), and of materials, affected by or exposed to any such disease, in accordance with such regulations as the Secretary may prescribe. The Secretary of Agriculture is authorized to prescribe and collect fees to recover the costs of carrying out the provisions of this section which relate to veterinary diagnostics. As used in this section, the term "State" includes the District of Columbia, Puerto Rico, and the Territories and possessions of the United States.

(May 29, 1884, ch. 60, § 11, as added Sept. 21, 1944, ch. 412, title I, § 101(a), 58 Stat. 734; amended Oct. 30, 1951, ch. 637, § 1, 65 Stat. 693; Aug. 8, 1953, ch. 381, 67 Stat. 493; Aug. 3, 1956, ch. 950, § 2, 70 Stat. 1032; July 2, 1962, Pub. L. 87-518, § 7, 76 Stat. 131; Nov. 28, 1990, Pub. L. 101-624, title XXV, § 2509(c)(2), 104 Stat. 4071.)

PRIOR PROVISIONS

A prior section 11 of act May 29, 1884, required annual reports to Congress concerning the suppression of contagious diseases among domestic animals, and was classified to section 560 of former Title 5, prior to repeal by act May 29, 1928, ch. 901, § 1, 45 Stat. 993.

AMENDMENTS

1990—Pub. L. 101-624 inserted after first sentence "The Secretary of Agriculture is authorized to prescribe and collect fees to recover the costs of carrying out the provisions of this section which relate to veterinary diagnostics."

1962—Pub. L. 87-518 inserted "any communicable diseases of livestock or poultry, including, but not limited to," after "eradicate".

1956—Act Aug. 3, 1956, authorized payment of claims for destruction of material affected or exposed to disease.

1953—Act Aug. 8, 1953, provided for control and eradication of scrapie and blue tongue in sheep, as well as incipient and potentially serious minor outbreaks of diseases of animals.

1951—Act Oct. 30, 1951, substituted "brucellosis of domestic animals" for "Bang's disease of cattle".

APPROPRIATIONS

Section 101(g) of act Sept. 21, 1944, provided that Congress may appropriate such funds as are necessary to accomplish the purpose of this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 114c, 114g, 118, 119, 136a of this title; title 16 section 1540.

**§ 114a-1. Interstate movement of domestic animals reacting to tests for brucellosis; immediate slaughter; rules and regulations**

Domestic animals which have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis or which, never having been vaccinated for brucellosis, have reacted to a test recognized by the Secretary of Agriculture for brucellosis, may be shipped, transported, or otherwise moved from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia for imme-

diate slaughter in accordance with such rules and regulations as the Secretary of Agriculture may prescribe to prevent the dissemination of said diseases from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia. The Secretary of Agriculture may, in his discretion and under such rules and regulations as he may prescribe, permit domestic animals which have been moved from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, for breeding purposes, and which, subsequent to such movement, have reacted to a test for brucellosis or paratuberculosis recognized by the Secretary of Agriculture, to be reshipped in interstate commerce to the original owner at the point of origin.

(May 29, 1884, ch. 80, §13, as added Oct. 30, 1951, ch. 637, §2, 65 Stat. 693.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 118, 119, 136a of this title; title 16 section 1540.

### § 114b. Cooperation in animal disease control

The Secretary of Agriculture is authorized to cooperate with the Governments of foreign countries, and with foreign or international organizations or associations in carrying out operations or measures to eradicate, suppress, or control, or to prevent or retard, any communicable disease of animals or vectors thereof, including but not limited to foot-and-mouth disease, rinderpest, or screwworm in such countries where he deems such action necessary to protect the livestock, poultry, and related industries of the United States. In performing the operations or measures authorized in sections 114b to 114d-1 of this title, the Governments of such countries shall be responsible for the authority necessary to carry out such operations or measures on all lands and properties therein and for such other facilities and means as in the discretion of the Secretary of Agriculture are necessary. The measure and character of cooperation carried out under said sections on the part of the United States and on the part of the Governments of such countries, including the expenditure or use of funds appropriated pursuant to said sections, shall be such as may be prescribed by the Secretary of Agriculture. Arrangements for the cooperation authorized by said sections shall be made through and in consultation with the Secretary of State. The authority contained in said sections is in addition to and not in substitution for the authority of existing law.

(Feb. 28, 1947, ch. 8, §1, 61 Stat. 7; July 27, 1966, Pub. L. 89-521, §1, 80 Stat. 330; Nov. 5, 1971, Pub. L. 92-152, §1, 85 Stat. 418; Mar. 15, 1976, Pub. L. 94-231, §3, 90 Stat. 216; Mar. 15, 1990, Pub. L. 101-255, §1(1), 104 Stat. 114; Nov. 28, 1990, Pub. L. 101-624, title XXV, §2505, 104 Stat. 4068.)

#### AMENDMENTS

1990—Pub. L. 101-624 substituted “foreign countries” for “Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, Belize, Panama, Colombia, and Canada, the Bahama Islands, the Greater Antilles, and the Lesser Antilles” and inserted “foreign or” before “international”.

Pub. L. 101-255 inserted section catchline and substituted “screwworm” for “screw-worm” in text.

1976—Pub. L. 94-231 substituted “Belize” for “British Honduras”, inserted “, the Bahama Islands, the Greater Antilles, and the Lesser Antilles, and with international organizations or associations” after “Canada”, and inserted “or vectors thereof” after “any communicable disease of animals”.

1971—Pub. L. 92-152 made provisions applicable to and authorized cooperation of Secretary of Agriculture with Governments of Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Columbia, and Canada, directed operations and measures to be taken against communicable diseases of animals, and included protection of poultry within its scope.

1966—Pub. L. 89-521 authorized the Secretary of Agriculture to cooperate in screw-worm eradication in Mexico.

#### SHORT TITLE

Section 6 of act Feb. 28, 1947, as added by Pub. L. 101-255, §1(6), Mar. 15, 1990, 104 Stat. 114, provided that: “This Act [enacting this section and sections 114c to 114d-1 of this title and provisions set out as a note under this section] may be referred to as the ‘Animal Disease Control Cooperation Act of 1947.’”

#### APPROPRIATIONS

Act Mar. 27, 1947, ch. 22, 61 Stat. 24, provided for an appropriation of \$9,000,000 to carry out the provisions of this section during fiscal year 1947.

Section 4 of act Feb. 28, 1947, as amended by Pub. L. 101-255, §1(4), Mar. 15, 1990, 104 Stat. 114, provided: “There are authorized to be appropriated such sums as may be necessary to carry out this Act [sections 114b to 114d of this title].”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 114c, 114d, 114d-1, 129, 136a of this title; title 7 section 147b; title 16 section 1540.

### § 114c. Use of funds

For purposes of sections 114a, and 114b to 114d-1 of this title, insofar as sections 114b to 114d-1 of this title relate to diseases which in the opinion of the Secretary constitute an emergency and threaten the livestock industry of the country, funds appropriated pursuant thereto may also be used for the purchase or hire of passenger motor vehicles and aircraft, for printing and binding without regard to section 501 of title 44, for personal services in the District of Columbia and elsewhere without regard to the limitations contained in section 607(g) of the Federal Employees Pay Act of 1945, as amended, including the employment of civilian nationals of Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Columbia, and Canada, and for the construction and operation of research laboratories, quarantine stations and other buildings and facilities.

(Feb. 28, 1947, ch. 8, §2, 61 Stat. 7; Aug. 3, 1956, ch. 950, §3, 70 Stat. 1033; Nov. 5, 1971, Pub. L. 92-152, §2, 85 Stat. 419; Mar. 15, 1990, Pub. L. 101-255, §1(2), 104 Stat. 114.)

#### REFERENCES IN TEXT

Section 607(g) of the Federal Employees Pay Act of 1945, as amended [former 5 U.S.C. 947(g)], referred to in text, was repealed by act Sept. 12, 1950, ch. 946, title III, §301(85), 64 Stat. 843.

#### CODIFICATION

“Section 501 of title 44” substituted in text for “section 87 of the Act of January 12, 1895, or section 11 of

the Act of March 1, 1919 (U.S.C., title 44, sec. 111)” on authority of Pub. L. 90-620, §2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents.

#### AMENDMENTS

1990—Pub. L. 101-255 inserted section catchline.

1971—Pub. L. 92-152 provided for use of funds for employment of civilian nationals of Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, British Honduras, Panama, Columbia, and Canada.

1956—Act Aug. 3, 1956, inserted “and section 114a of this title, insofar as sections 114b-114d of this title relate to diseases which in the opinion of the Secretary constitute an emergency and threaten the livestock industry of the country” in first sentence.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 114b, 114d-1, 129, 136a of this title; title 16 section 1540.

### § 114d. Sale of sterile screwworms

#### (a) In general

Notwithstanding section 114b of this title, the Secretary of Agriculture may, independently or in cooperation with any foreign government or any international organization or association, produce and sell sterile screwworms to any foreign government or to any international organization or association, if the Secretary determines that the protection of livestock and related industries of the United States will not be adversely affected by such production and sale.

#### (b) Terms of sale

The Secretary may provide for the sale of screwworms under subsection (a) of this section under such terms and conditions as the Secretary considers appropriate.

#### (c) Deposit of proceeds

##### (1) Independent sales

If the Secretary independently produces and sells screwworms under subsection (a) of this section, the proceeds of such sales shall be deposited in the Treasury of the United States and be credited to the appropriation from which the operating expenses of the facility producing the screwworms have been paid.

##### (2) Cooperative sales

If the Secretary produces and sells screwworms in cooperation with a foreign government or an international organization or association, the proceeds of such sale shall be divided between the United States and such government, organization, or association, as determined by the Secretary, and the United States portion of such proceeds shall be deposited into the Treasury of the United States and be credited to the appropriation from which the operating expenses of the facility producing the screwworms have been paid.

(Feb. 28, 1947, ch. 8, §3, as added Mar. 15, 1990, Pub. L. 101-255, §1(3), 104 Stat. 114.)

#### PRIOR PROVISIONS

A prior section 114d, act Feb. 28, 1947, ch. 8, §3, 61 Stat. 8, related to reports by Secretary of Agriculture to Congress with respect to activities carried on under sections 114b and 114c of this title, prior to repeal by Pub. L. 86-533, §1(20), June 29, 1960, 74 Stat. 249.

### § 114d-1. Cooperation with public and private entities

In carrying out sections 114b to 114d-1 of this title the Secretary of Agriculture is further authorized to cooperate with other public and private organizations and individuals.

(Feb. 28, 1947, ch. 8, §5, as added July 27, 1966, Pub. L. 89-521, §2, 80 Stat. 330; amended Mar. 15, 1990, Pub. L. 101-255, §1(5), 104 Stat. 114.)

#### AMENDMENTS

1990—Pub. L. 101-255 inserted section catchline.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 114b, 114c, 129, 136a of this title; title 16 section 1540.

### §§ 114d-2 to 114d-6. Repealed. Pub. L. 92-152, §3, Nov. 5, 1971, 85 Stat. 419

Section 114d-2, Pub. L. 90-388, §1, July 6, 1968, 82 Stat. 294, provided for cooperation with Central America in control and eradication of foot-and-mouth disease or rinderpest. See section 114b of this title.

Section 114d-3, Pub. L. 90-388, §2, July 6, 1968, 82 Stat. 294, provided for uses of funds. See section 114c of this title.

Section 114d-4, Pub. L. 90-388, §3, July 6, 1968, 82 Stat. 294, defined governments of Central America. See sections 114b and 114c of this title.

Section 114d-5, Pub. L. 90-388, §4, July 6, 1968, 82 Stat. 294, provided for cooperation with public and private organizations and individuals. See section 114d-1 of this title.

Section 114d-6, Pub. L. 90-388, §5, July 6, 1968, 82 Stat. 294, provided for authorization of appropriations. See Appropriations note set out under section 114b of this title.

### § 114e. Control and eradication of cattle grubs; research and investigations

In order to protect, promote, and conserve livestock and livestock products and to minimize losses, the Secretary of Agriculture, either independently or in cooperation with States or subdivisions thereof, farmers' associations, and other organizations and individuals, it<sup>1</sup> is authorized to increase and intensify research and investigations into problems and methods relating to the eradication of cattle grubs and to undertake measures to eradicate these parasites.

(June 16, 1948, ch. 477, §1, 62 Stat. 458.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 114f, 136a of this title; title 16 section 1540.

### § 114f. “State” defined; authorization of appropriations

As used in section 114e of this title, the term “State” includes the District of Columbia and the Territories and possessions of the United States. There is authorized to be appropriated such sums as may be necessary to carry out section 114e of this title. Funds appropriated pursuant to this section shall be expended in accordance with procedures prescribed by the Secretary.

(June 16, 1948, ch. 477, §2, 62 Stat. 458.)

<sup>1</sup> So in original.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

**§ 114g. Hog cholera eradication program**

In order to safeguard the health of the swine herds of the Nation, to prevent the spread of hog cholera, to decrease substantially the estimated \$50,000,000 annual loss from hog cholera, to expand export markets for pork and pork products now restricted on account of hog cholera, and to otherwise protect the public interest, the Secretary of Agriculture is directed (1) to initiate a national hog cholera eradication program in cooperation with the several States under the provisions of section 114a of this title and related legislation, and (2) to prohibit or restrict, pursuant to the authority vested in him under the provisions of section 111 of this title the interstate movement of virulent hog cholera virus or other hog cholera virus to the extent he determines necessary in order to effectuate such eradication program.

(Pub. L. 87-209, §1, Sept. 6, 1961, 75 Stat. 481.)

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 114h, 136a of this title; title 16 section 1540.

**§ 114h. Advisory committee****(a) Establishment; membership**

The Secretary of Agriculture is authorized and directed to establish an advisory committee composed of (1) eleven members selected from representatives of the swine and related industries, State and local government agencies, professional and scientific groups, and the general public, and (2) one member selected from the officers and employees of the Department of Agriculture who shall serve as chairman of the Committee. The Committee shall meet at the call of the Secretary.

**(b) Functions**

It shall be the function of the Committee to advise the Secretary with respect to the initiation of the national hog cholera eradication program referred to in section 114g of this title, and with respect to the development of plans and procedures for carrying out such program.

**(c) Employment status; expenses**

Committee members other than the chairman shall not be deemed to be employees of the United States and shall not be entitled to compensation, but the Secretary is authorized to pay their travel and subsistence expenses (or per diem in lieu thereof) in connection with their attendance at meetings of the Committee.

(Pub. L. 87-209, §2, Sept. 6, 1961, 75 Stat. 481.)

## TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86

Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

**§ 114i. Pseudorabies eradication****(a) Findings**

Congress finds that efforts to eradicate pseudorabies in United States swine populations by the Department of Agriculture in cooperation with State agencies and the pork industry have a high priority and should be continued until pseudorabies is completely eradicated in the United States.

**(b) Establishment of program**

The Secretary of Agriculture shall establish and carry out a program for the eradication of pseudorabies in United States swine populations.

**(c) Use of funds for testing and control of pseudorabies**

The Secretary shall ensure that not less than 65 percent of the funds appropriated for the program established under subsection (b) of this section shall be used for testing and screening of animals and for other purposes directly related to the eradication or control of pseudorabies. This requirement on the use of appropriated funds for this program shall not be implemented in a manner that would adversely affect any other animal or plant disease or pest eradication or control program.

**(d) Authorization of appropriations**

There are authorized to be appropriated for each of the fiscal years 1991 through 1995 such sums as may be necessary for the purpose of carrying out the program established under subsection (b) of this section.

(Pub. L. 101-624, title XXV, §2506, Nov. 28, 1990, 104 Stat. 4068.)

**§ 115. Transportation of diseased livestock and live poultry prohibited**

No railroad company within the United States, or the owners or masters of any steam or sailing or other vessel or boat, shall receive for transportation or transport from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any livestock and/or live poultry affected with any contagious, infectious, or communicable disease, and especially the disease known as pleuropneumonia; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or master or owner of any boat or vessel, any livestock and/or live poultry, knowing them to be affected with any contagious, infectious, or communicable disease; nor shall any person, company, or corporation drive on foot, or transport in private conveyance from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any livestock and/or live poultry, knowing them to be affected with any contagious, infectious, or communicable disease, and especially the dis-

ease known as pleuropneumonia: *Provided*, That such livestock or poultry may be so delivered and received for such transportation and so transported and moved if the Secretary of Agriculture determines that such action will not endanger the livestock or poultry of the United States and authorizes such action, and such delivery, receipt, transportation, and movement are made in strict compliance with such rules and regulations as the Secretary of Agriculture may prescribe to protect the livestock and poultry of the United States.

(May 29, 1884, ch. 60, § 6, 23 Stat. 32; June 28, 1926, ch. 700, § 1, 44 Stat. 774; Feb. 7, 1928, ch. 30, 45 Stat. 59; Oct. 9, 1962, Pub. L. 87-763, 76 Stat. 762.)

#### CODIFICATION

Act May 29, 1884, as amended by act June 28, 1926, also contained the following proviso: "That until May 1, 1928, cattle infested with or exposed to cattle fever ticks may be shipped in interstate commerce for immediate slaughter after one dipping in accordance with such regulations as the Secretary of Agriculture may prescribe."

#### AMENDMENTS

1962—Pub. L. 87-763 inserted proviso permitting such livestock or poultry to be delivered and received for transportation and so transported and moved if the Secretary determines that such action will not endanger the livestock or poultry of the United States and authorizes such action, and such delivery, receipt, transportation, and movement are made in strict compliance with such rules and regulations as the Secretary may prescribe.

1928—Act Feb. 7, 1928, inserted "and/or live poultry" after "livestock" wherever appearing.

1926—Act June 28, 1926, struck out provision deeming splenic or Texas fever not a communicable disease as to cattle unloaded only to be fed and watered on the way by rail to market for slaughter.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 117, 118, 119, 136a of this title; title 16 section 1540.

### § 116. Shipment of certain cattle excepted

Cattle which have reacted to the tuberculin test may be shipped, transported, or moved from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, for immediate slaughter, in accordance with such rules and regulations as shall be prescribed by the Secretary of Agriculture. The said Secretary of Agriculture may, in his discretion, and under such rules and regulations as he may prescribe, permit cattle which have been shipped for breeding or feeding purposes from one State, Territory, or the District of Columbia to another State, Territory, or the District of Columbia, and which have reacted to the tuberculin test subsequent to such shipment, to be reshipped in interstate commerce to the original owner.

(May 29, 1884, ch. 60, 23 Stat. 31; May 31, 1920, ch. 217, 41 Stat. 699.)

#### AMENDMENTS

1920—Act May 31, 1920, amended act May 29, 1884, without amending any particular section thereof, by enacting provisions set out as this section. For classification of act May 29, 1884, to the Code, see Short Title note set out under section 112 of this title and Tables.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

### § 117. Penalties for transportation of diseased livestock or live poultry

#### (a) Criminal penalty

Any person or persons operating any railroad, or master or owner of any boat or vessel, or owner or custodian of, or person having control over, cattle or other livestock or live poultry who shall knowingly violate the provisions of section 115 of this title or the rules and regulations prescribed by the Secretary of Agriculture under such section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

#### (b) Civil penalty

Any person or persons operating any railroad, or master or owner of any boat or vessel, or owner or custodian of, or person having control over, cattle or other livestock or live poultry who shall violate the provisions of section 115 of this title or the rules and regulations prescribed by the Secretary of Agriculture under such section may be assessed a civil penalty by the Secretary of not more than \$1,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28. The validity of such order may not be reviewed in an action to collect such civil penalty.

(May 29, 1884, ch. 60, § 7, 23 Stat. 32; Feb. 7, 1928, ch. 30, 45 Stat. 59; Oct. 10, 1978, Pub. L. 95-439, § 1, 92 Stat. 1061; Jan. 12, 1983, Pub. L. 97-461, § 5, 96 Stat. 2524.)

#### AMENDMENTS

1983—Pub. L. 97-461 designated existing provisions as subsec. (a), inserted "or the rules and regulations prescribed by the Secretary of Agriculture under such section" after "title", and added subsec. (b).

1978—Pub. L. 95-439 struck out provision requiring the Secretary of Agriculture to notify in writing the proper officials of any railroad, steamboat, or other transportation company doing business in an infected area of the existence of a contagion and to publish in newspapers the existence of a contagion.

1928—Act Feb. 7, 1928, inserted "and/or live poultry" after "livestock".

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 118, 119, 136a of this title; title 16 section 1540.

### § 118. Duty of United States attorneys

It shall be the duty of the several United States attorneys to prosecute all violations of this Act which shall be brought to their notice or knowledge by any person making the complaint under oath; and the same shall be heard before any district court of the United States or Territorial court holden within the district in which such violation of this Act has been committed.

(May 29, 1884, ch. 60, § 9, 23 Stat. 33; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

## REFERENCES IN TEXT

This Act, referred to in text, is act May 29, 1884, ch. 60, 23 Stat. 31, as amended, which is popularly known as the Animal Industry Act. For complete classification of this Act to the Code, see Short Title note set out under section 112 of this title and Tables.

## CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted "United States attorneys" for "United States district attorneys". See section 541 of Title 28, Judiciary and Judicial Procedure.

## REPEALS

Act June 25, 1948, ch. 646, §39, 62 Stat. 992, repealed act Mar. 3, 1911, ch. 231, §289, 36 Stat. 1167, formerly cited as a credit to this section.

## EXTENSION OF PROVISIONS TO LIVE POULTRY

Act Feb. 7, 1928, ch. 30, 45 Stat. 59, extended the provisions of this section to live poultry.

## FEDERAL RULES OF CRIMINAL PROCEDURE

Special venue provisions of section as not affected by rule 18, see Notes of Advisory Committee on Rules set out under rule 18, Title 18, Appendix, Crimes and Criminal Procedure.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

### § 119. Agents to examine and report on methods of treatment of animals, and means for suppression of diseases

The Secretary of Agriculture is authorized to appoint two competent agents, who shall be practical stock raisers or experienced business men familiar with questions pertaining to commercial transactions in livestock and/or live poultry, whose duty it shall be, under the instructions of the said Secretary of Agriculture, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuropneumonia, and to provide against the spread of other dangerous contagious, infectious, and communicable diseases. The compensation of said agents shall be at the rate of \$10 per diem, with all necessary expenses, while engaged in the actual performance of their duties under this Act, when absent from their usual place of business or residence as such agent.

(May 29, 1884, ch. 60, §2, 23 Stat. 31; Feb. 9, 1889, ch. 122, §1, 25 Stat. 659; July 14, 1890, ch. 707, 26 Stat. 288; Feb. 7, 1928, ch. 30, 45 Stat. 59.)

## REFERENCES IN TEXT

This Act, referred to in text, is act May 29, 1884, ch. 60, 23 Stat. 31, as amended, which is popularly known as the Animal Industry Act. For complete classification of this Act to the Code, see Short Title note set out under section 112 of this title and Tables.

## CODIFICATION

Substitution of Secretary of Agriculture for Commissioner of Agriculture, see note set out under section 112 of this title.

## AMENDMENTS

1928—Act Feb. 7, 1928, inserted "and/or live poultry" after "livestock".

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 118, 136a of this title; title 16 section 1540.

### § 120. Regulation of exportation and transportation of infected livestock and live poultry

In order to enable the Secretary of Agriculture to effectually suppress and extirpate contagious pleuropneumonia, foot-and-mouth disease, and other dangerous contagious, infectious, and communicable diseases in cattle and other livestock and/or live poultry, and to prevent the spread of such diseases, he is authorized and directed from time to time to establish such rules and regulations concerning the exportation and transportation of livestock and/or live poultry from any place within the United States where he may have reason to believe such diseases may exist into and through any State or Territory, and into and through the District of Columbia and to foreign countries as he may deem necessary, and all such rules and regulations shall have the force of law.

(May 29, 1884, ch. 60, §§4, 5, 23 Stat. 32; Feb. 2, 1903, ch. 349, §1, 32 Stat. 791; Feb. 7, 1928, ch. 30, 45 Stat. 59.)

## CODIFICATION

Section is comprised of part of section 1 of act Feb. 2, 1903. Remainder of such section 1 is classified to sections 112, 113, and 121 of this title. The words "including the Indian Territory" which followed the word "Territory" in the original text of this section were omitted as obsolete.

Substitution of Secretary of Agriculture for Commissioner of Agriculture, see note set out under section 112 of this title.

## AMENDMENTS

1928—Act Feb. 7, 1928, inserted "and/or live poultry" after "livestock" wherever appearing.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 118, 119, 121, 122, 136a of this title; title 16 section 1540.

### § 121. Shipments from areas suspected infected; control of animals and live poultry

Whenever any inspector or assistant inspector of the Bureau of Animal Industry shall issue a certificate showing that such officer had inspected any cattle or other livestock and/or live poultry which were about to be shipped, driven, or transported from such locality to another as stated in section 120 of this title, and had found them free from Texas or splenic fever infection, pleuropneumonia, foot-and-mouth disease, or any other infectious, contagious, or communicable disease, such animals, so inspected and certified, may be shipped, driven, or transported from such place into and through any State or Territory, and into and through the District of Columbia, or they may be exported from the United States without further inspection or the exaction of fees of any kind, except such as may at any time be ordered or exacted by the Secretary of Agriculture; and all such animals shall at all times be under the control and supervision of the Bureau of Animal Industry of the Agricultural Department for the purposes of such inspection.

(Feb. 2, 1903, ch. 349, § 1, 32 Stat. 791; Feb. 7, 1928, ch. 30, 45 Stat. 59.)

#### CODIFICATION

Section is comprised of part of section 1 of act Feb. 2, 1903. Remainder of such section 1 is classified to sections 112, 113 and 120 of this title.

The words “including the Indian territory” which followed “Territory” in the original text of this section were omitted as obsolete.

#### AMENDMENTS

1928—Act Feb. 7, 1928, inserted “and/or live poultry” after “livestock”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 122, 136a of this title; title 16 section 1540.

### § 122. Offenses; penalty

Any person, company, or corporation knowingly violating the provisions of this Act or the orders or regulations made in pursuance thereof shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dollars nor more than five thousand dollars, or by imprisonment not more than one year, or by both such fine and imprisonment. Any person, company, or corporation violating such provisions, orders, or regulations may be assessed a civil penalty by the Secretary of Agriculture of not more than one thousand dollars. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28. The validity of such order may not be reviewed in an action to collect such civil penalty.

(Feb. 2, 1903, ch. 349, § 3, 32 Stat. 792; Jan. 12, 1983, Pub. L. 97-461, § 6, 96 Stat. 2525.)

#### REFERENCES IN TEXT

This Act, referred to in text, is act Feb. 2, 1903, ch. 349, 32 Stat. 791, as amended, which enacted sections 111, 121, and 122 of this title and amended sections 112, 113, and 120 of this title. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

1983—Pub. L. 97-461 substituted “five thousand dollars” for “one thousand dollars” and inserted provisions relating to a civil penalty.

#### EXTENSION OF PROVISIONS TO LIVE POULTRY

Act Feb. 7, 1928, ch. 30, 45 Stat. 59, extended the provisions of this section to live poultry.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

### § 123. Quarantine

The Secretary of Agriculture is authorized to quarantine by regulation any State or Territory or the District of Columbia, or any portion of any State or Territory or the District of Columbia, when he shall determine the fact that any animals or live poultry in such State or Territory or District of Columbia are affected with any contagious, infectious, or communicable disease of livestock or poultry or that the con-

tagion of any such disease exists or that vectors which may disseminate any such disease exist in such State or Territory or the District of Columbia.

(Mar. 3, 1905, ch. 1496, § 1, 33 Stat. 1264; Feb. 7, 1928, ch. 30, 45 Stat. 59; July 2, 1962, Pub. L. 87-518, § 8(a), 76 Stat. 131; Oct. 10, 1978, Pub. L. 95-439, § 2, 92 Stat. 1061.)

#### AMENDMENTS

1978—Pub. L. 95-439 struck out provision requiring the Secretary of Agriculture to give written notice of the establishment of quarantine to the proper officials of railroads, steamboats, or other transportation systems and to publish notice of the establishment of quarantine in newspapers in the quarantined State or Territory or the District of Columbia.

1962—Pub. L. 87-518 authorized quarantine upon the determination that any animals or poultry are affected with a communicable disease of livestock or poultry or that the contagion of any such disease exists or that vectors which may disseminate any such disease exist.

1928—Act Feb. 7, 1928, inserted “and/or live poultry” after “livestock”.

#### SHORT TITLE

This section and sections 124 to 127 of this title are from act Mar. 3, 1905, entitled “An act to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes and constitute the Cattle Contagious Diseases Act of 1905.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 128, 136a of this title; title 16 section 1540.

### § 124. Transportation or delivery therefor from quarantined State or Territory or portion thereof, of quarantined animals and live poultry, forbidden

No railroad company or the owners or masters of any steam or sailing or other vessel or boat shall receive for transportation or transport from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any quarantined animals, and/or live poultry, except as herein-after provided; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or to the master or owner of any boat or vessel, any quarantined animals and/or live poultry, except as hereinafter provided; nor shall any person, company, or corporation drive on foot, or cause to be driven on foot, or transport in private conveyance or cause to be transported in private conveyance, from a quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, and quarantined animals and/or live poultry, except as herein-after provided.

(Mar. 3, 1905, ch. 1496, § 2, 33 Stat. 1264; Feb. 7, 1928, ch. 30, 45 Stat. 59; July 2, 1962, Pub. L. 87-518, § 8(b), 76 Stat. 131.)

#### AMENDMENTS

1962—Pub. L. 87-518 substituted “quarantined animals” for “cattle or other livestock” wherever appearing.

1928—Act Feb. 7, 1928, inserted “and/or live poultry” after “livestock” wherever appearing.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 127, 128, 136a of this title; title 16 section 1540.

### § 125. Regulations for inspection, disinfection, and certification, and delivery and shipment of quarantined animals and live poultry from State or Territory

It shall be the duty of the Secretary of Agriculture, and he is authorized and directed, when the public safety will permit, to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, treatment, handling, and method and manner of delivery and shipment of quarantined animals or live poultry from a quarantined State or Territory or the District of Columbia, and from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia.

(Mar. 3, 1905, ch. 1496, § 3, 33 Stat. 1265; Feb. 7, 1928, ch. 30, 45 Stat. 59; July 2, 1962, Pub. L. 87-518, § 8(b), 76 Stat. 131; Oct. 10, 1978, Pub. L. 95-439, § 3, 92 Stat. 1061.)

#### AMENDMENTS

1978—Pub. L. 95-439 struck out provision requiring the Secretary of Agriculture to give notice of rules and regulations in the manner prescribed in section 123 of this title for notice of establishment of quarantine.

1962—Pub. L. 87-518 substituted “quarantined animals” for “cattle or other livestock”.

1928—Act Feb. 7, 1928, inserted “and/or live poultry” after “livestock”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 126, 128, 136a of this title; title 16 section 1540.

### § 126. Moving quarantined animals and live poultry from State or Territory, under regulations

Quarantined animals and/or live poultry may be moved from a quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, under and in compliance with the rules and regulations of the Secretary of Agriculture, made and promulgated in pursuance of the provisions of section 125 of this title; but it shall be unlawful to move, or to allow to be moved, any quarantined animals and/or live poultry from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, in manner or method or under conditions other than those prescribed by the Secretary of Agriculture.

(Mar. 3, 1905, ch. 1496, § 4, 33 Stat. 1265; Feb. 7, 1928, ch. 30, 45 Stat. 59; July 2, 1962, Pub. L. 87-518, § 8(b), 76 Stat. 131.)

#### AMENDMENTS

1962—Pub. L. 87-518 substituted “quarantined animals” for “cattle or other livestock” wherever appearing.

1928—Act Feb. 7, 1928, inserted “and/or live poultry” after “livestock” wherever appearing.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 127, 128, 136a of this title; title 16 section 1540.

### § 127. Transportation from quarantined State, Territory, etc.; penalty

Any person, company, or corporation violating the provisions of sections 124 or 126 of this title shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dollars nor more than five thousand dollars, or by imprisonment not more than one year, or by both such fine and imprisonment. Any person, company, or corporation violating such provisions may be assessed a civil penalty by the Secretary of Agriculture of not more than one thousand dollars. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28. The validity of such order may not be reviewed in an action to collect such civil penalty.

(Mar. 3, 1905, ch. 1496, § 6, 33 Stat. 1265; Jan. 12, 1983, Pub. L. 97-461, § 7, 96 Stat. 2525.)

#### AMENDMENTS

1983—Pub. L. 97-461 substituted “five thousand dollars” for “one thousand dollars” and inserted provisions relating to a civil penalty.

#### EXTENSION OF PROVISIONS TO LIVE POULTRY

Act Feb. 7, 1928, ch. 30, 45 Stat. 59, extended the provisions of this section to live poultry.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 128, 136a of this title; title 16 section 1540.

### § 128. Extension of quarantine law to carriers in interstate commerce

The provisions of sections 123 to 127 of this title shall apply to any railroad company or other common carrier whose road or line forms any part of a route over which quarantined animals are transported in the course of shipment from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia into any other State or Territory or the District of Columbia.

(June 30, 1914, ch. 131, 38 Stat. 419; July 2, 1962, Pub. L. 87-518, § 9, 76 Stat. 131.)

#### CODIFICATION

Section is from the Department of Agriculture Appropriation Act, 1915.

#### AMENDMENTS

1962—Pub. L. 87-518 substituted “quarantined animals” for “cattle or other livestock”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

**§ 129. Expenses for arrest and eradication of contagious or infectious diseases or pests of animals, poultry, or plants**

In emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious diseases or pests of animals, poultry, or plants, and for expenses in accordance with sections 114b to 114d-1 of this title and section 147a of title 7, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts.

(Oct. 21, 1995, Pub. L. 104-37, title I, 109 Stat. 307.)

**CODIFICATION**

Section is from the appropriation act cited as the credit to this section.

**PRIOR PROVISIONS**

Provisions similar to those in this section were contained in the following prior appropriation acts:

Sept. 30, 1994, Pub. L. 103-330, title I, 108 Stat. 2443.  
 Oct. 21, 1993, Pub. L. 103-111, title I, 107 Stat. 1054.  
 Aug. 14, 1992, Pub. L. 102-341, title I, 106 Stat. 882.  
 Oct. 28, 1991, Pub. L. 102-142, title I, 105 Stat. 886.  
 Nov. 5, 1990, Pub. L. 101-506, title I, 104 Stat. 1323.  
 Nov. 21, 1989, Pub. L. 101-161, title I, 103 Stat. 959.  
 Oct. 1, 1988, Pub. L. 100-460, title I, 102 Stat. 2237.  
 Dec. 22, 1987, Pub. L. 100-202, § 101(k) [title I], 101 Stat. 1329-322, 1329-331.  
 Oct. 18, 1986, Pub. L. 99-500, § 101(a) [title I], 100 Stat. 1783, 1783-8, and Oct. 30, 1986, Pub. L. 99-591, § 101(a) [title I], 100 Stat. 3341, 3341-8.  
 Dec. 19, 1985, Pub. L. 99-190, § 101(a) [H.R. 3037, title I], 99 Stat. 1185.  
 Oct. 12, 1984, Pub. L. 98-473, title I, § 101(a) [H.R. 5743, title I], 98 Stat. 1837.  
 Nov. 14, 1983, Pub. L. 98-151, § 101(d) [H.R. 3223, title I], 97 Stat. 972.  
 Dec. 18, 1982, Pub. L. 97-370, title I, 96 Stat. 1792.  
 Dec. 23, 1981, Pub. L. 97-103, title I, 95 Stat. 1472.  
 Dec. 15, 1980, Pub. L. 96-528, title I, 94 Stat. 3099.  
 Nov. 9, 1979, Pub. L. 96-108, title I, 93 Stat. 826.  
 Oct. 11, 1978, Pub. L. 95-448, title I, 92 Stat. 1076.  
 Aug. 12, 1977, Pub. L. 95-97, title I, 91 Stat. 813.  
 July 12, 1976, Pub. L. 94-351, title I, 90 Stat. 854.  
 Oct. 21, 1975, Pub. L. 94-122, title I, 89 Stat. 645.  
 Dec. 31, 1974, Pub. L. 93-563, title I, 88 Stat. 1824.  
 Oct. 24, 1973, Pub. L. 93-135, title I, 87 Stat. 472.  
 Aug. 22, 1972, Pub. L. 92-399, title I, 86 Stat. 594.  
 Aug. 10, 1971, Pub. L. 92-73, title I, 85 Stat. 185.  
 Dec. 22, 1970, Pub. L. 91-566, title I, 84 Stat. 1482.  
 Nov. 26, 1969, Pub. L. 91-127, title I, 83 Stat. 246.  
 Aug. 8, 1968, Pub. L. 90-463, title I, 82 Stat. 640.  
 Oct. 24, 1967, Pub. L. 90-113, title I, 81 Stat. 321.  
 Sept. 7, 1966, Pub. L. 89-556, title I, 80 Stat. 690.  
 Nov. 2, 1965, Pub. L. 89-316, title I, 79 Stat. 1166.  
 Sept. 2, 1964, Pub. L. 88-573, title I, 78 Stat. 863.  
 Dec. 30, 1963, Pub. L. 88-250, title I, 77 Stat. 821.  
 Oct. 24, 1962, Pub. L. 87-879, title I, 76 Stat. 1204.  
 July 26, 1961, Pub. L. 87-112, title I, 75 Stat. 228.  
 June 29, 1960, Pub. L. 86-532, title I, 74 Stat. 233.  
 July 8, 1959, Pub. L. 86-80, title I, 73 Stat. 168.  
 June 13, 1958, Pub. L. 85-459, title I, 72 Stat. 189.  
 Aug. 2, 1957, Pub. L. 85-118, title I, 71 Stat. 330.  
 June 4, 1956, ch. 355, title I, 70 Stat. 230.  
 May 23, 1955, ch. 43, title I, 69 Stat. 52.  
 June 29, 1954, ch. 409, title I, 68 Stat. 305.  
 July 28, 1953, ch. 251, title III, 67 Stat. 223.

July 5, 1952, ch. 574, title III, 66 Stat. 354.  
 Aug. 31, 1951, ch. 374, title II, 65 Stat. 243.  
 Sept. 6, 1950, ch. 896, Ch. VI, title I, 64 Stat. 661.  
 June 29, 1949, ch. 280, title I, 63 Stat. 332.  
 June 19, 1948, ch. 543, 62 Stat. 515.  
 July 30, 1947, ch. 356, title I, 61 Stat. 532.  
 June 22, 1946, ch. 445, 60 Stat. 278.  
 May 5, 1945, ch. 109, 59 Stat. 144.  
 June 28, 1944, ch. 296, 58 Stat. 434.  
 July 12, 1943, ch. 215, 57 Stat. 403.  
 July 22, 1942, ch. 516, 56 Stat. 676.  
 July 1, 1941, ch. 267, 55 Stat. 418.  
 June 25, 1940, ch. 421, 54 Stat. 542.  
 June 30, 1939, ch. 253, title I, 53 Stat. 951.  
 June 16, 1938, ch. 464, title I, 52 Stat. 722.  
 June 29, 1937, ch. 404, 50 Stat. 406.  
 June 4, 1936, ch. 489, 49 Stat. 1432.  
 May 17, 1935, ch. 131, title I, 49 Stat. 257.  
 Mar. 26, 1934, ch. 89, 48 Stat. 477.  
 Mar. 3, 1933, ch. 203, 47 Stat. 1442.  
 July 7, 1932, ch. 443, 47 Stat. 620.  
 Feb. 23, 1931, ch. 278, 46 Stat. 1252.  
 May 27, 1930, ch. 341, 46 Stat. 403.  
 Feb. 16, 1929, ch. 227, 45 Stat. 1198.  
 May 16, 1928, ch. 572, 45 Stat. 548.  
 Jan. 18, 1927, ch. 39, 44 Stat. 1005.  
 May 11, 1926, ch. 286, 44 Stat. 529.  
 Feb. 10, 1925, ch. 200, 43 Stat. 851.  
 Dec. 5, 1924, ch. 4, 43 Stat. 683.  
 June 5, 1924, ch. 266, 43 Stat. 458.  
 Apr. 2, 1924, ch. 81, 43 Stat. 40.  
 Feb. 26, 1923, ch. 119, 42 Stat. 1318.  
 May 11, 1922, ch. 185, 42 Stat. 536.  
 Mar. 4, 1917, ch. 179, 39 Stat. 1167.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 136a of this title; title 16 section 1540.

**§ 130. Pleuropneumonia in District of Columbia; duties of Council of the District of Columbia**

Whenever any contagious, infectious, or communicable disease affecting domestic animals or live poultry, and especially the disease known as pleuropneumonia, shall be brought into or shall break out in the District of Columbia, it shall be the duty of the Council of the District of Columbia to take measures to suppress the same promptly and to prevent the same from spreading; and for this purpose the said Council is empowered to order and require that any premises, farm, or farms where such disease exists, or has existed, be put in quarantine; to order all or any animals coming into the District to be detained at any place or places for the purpose of inspection and examination; to prescribe regulations for and to require the destruction of animals or live poultry affected with contagious, infectious, or communicable disease, and for the proper disposition of their hides and carcasses; to prescribe regulations for disinfection, and such other regulations as they may deem necessary to prevent infection or contagion being communicated, and shall report to the Secretary of Agriculture whatever it may do in pursuance of the provisions of this section.

(May 29, 1884, ch. 60, § 8, 23 Stat. 33; 1967 Reorg. Plan No. 3, § 402(430), eff. Aug. 11, 1967, 32 F.R. 11669, 81 Stat. 948; Pub. L. 93-198, title IV, § 401, Dec. 24, 1973, 87 Stat. 793.)

**CODIFICATION**

Substitution of Secretary of Agriculture for Commissioner of Agriculture, see note set out under section 112 of this title.

Section is also set out in D.C. Code § 1-324.

#### TRANSFER OF FUNCTIONS

"Council of the District of Columbia" substituted in text for "District of Columbia Council" pursuant to section 401 of Pub. L. 93-198, District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, classified to section 1-211 of the District of Columbia Code, and replaced by Council of the District of Columbia, as provided by section 401 of Pub. L. 93-198, classified to section 1-221 of the District of Columbia Code.

Previously, references to Commissioners of District of Columbia had been changed to District of Columbia Council pursuant to section 402(430) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, effective Aug. 11, 1967, set out in the Appendix to Title 5, Government Organization and Employees, which transferred regulatory and other functions of Board of Commissioners relating to prescribing of regulations for destruction of animals or live poultry affected by contagious, infectious, or communicable disease, and for proper disposition of their hides and carcasses, and prescribing of regulations for disinfection and other regulations under this section to District of Columbia Council, subject to right of Commissioner as provided by section 406 of Plan. For provisions establishing District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

#### EXTENSION OF PROVISIONS TO LIVE POULTRY

Act Feb. 7, 1928, ch. 30, 45 Stat. 59, extended the provisions of this section to live poultry.

#### CROSS REFERENCES

Diseases and quarantine in the District of Columbia, see sections 111 and 123 to 127 of this title.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 118, 119, 136a of this title; title 16 section 1540.

### § 131. Fences along international boundary lines to keep out diseased animals

The Secretary of Agriculture may permit the erection of fences along international boundary lines, but entirely within the territory of the United States, for the purpose of keeping out diseased animals.

(May 26, 1910, ch. 256, 36 Stat. 440.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

### § 132. Transferred

#### CODIFICATION

Section, act May 23, 1908, ch. 192, 35 Stat. 254, which related to inspection of dairy products for export, was transferred to section 693 of this title.

### § 133. Repealed. July 13, 1949, ch. 307, 63 Stat. 410

Section, act July 24, 1946, ch. 592, 60 Stat. 633, related to establishment of a quarantine station on Swan Island.

### § 134. Definitions

As used in this Act unless the context indicates otherwise—

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "animals" means all members of the animal kingdom including birds, whether domesticated or wild, but not including man.

(c) The term "United States" means the States, Puerto Rico, Guam, the Virgin Islands of the United States, and the District of Columbia.

(d) The term "interstate" means from a State or other area included in the definition of "United States" to or through any other State or other such area.

(Pub. L. 87-518, § 1, July 2, 1962, 76 Stat. 129.)

#### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 87-518, July 2, 1962, 76 Stat. 129, as amended, which enacted sections 134 to 134h of this title and amended sections 114a, 123 to 126, and 128 of this title and section 1114 of Title 18, Crimes and Criminal Procedure. For complete classification of this Act to the Code, see Tables.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134e, 134f, 134g, 134h, 136a of this title; title 16 section 1540.

### § 134a. Seizure, quarantine, and disposal of livestock or poultry to guard against introduction or dissemination of communicable disease

#### (a) Authority of Secretary

The Secretary, whenever he deems it necessary in order to guard against the introduction or dissemination of a communicable disease of livestock or poultry, may seize, quarantine, and dispose of, in a reasonable manner taking into consideration the nature of the disease and the necessity of such action to protect the livestock or poultry of the United States: (1) any animals which he finds are moving or are being handled or have moved or have been handled in interstate or foreign commerce contrary to any law or regulation administered by him for the prevention of the introduction or dissemination of any communicable disease of livestock or poultry; (2) any animals which he finds are moving into the United States, or interstate, and are affected with or have been exposed to any communicable disease dangerous to livestock or poultry; and (3) any animals which he finds have moved into the United States, or interstate, and at the time of such movement were so affected or exposed.

#### (b) Determination of extraordinary emergency due to dangerous communicable disease; seizure, quarantine, and disposal of animals; action authorized only if adequate measures not taken by State or other jurisdiction; notice to State or other jurisdiction

Whereas the existence of any dangerous, communicable disease of livestock or poultry, such as foot-and-mouth disease, rinderpest, or European fowl pest, on any premises in the United States would constitute a threat to livestock and poultry of the Nation and would seriously burden interstate and foreign commerce, whenever the Secretary determines that an extraordinary emergency exists because of the outbreak of such a disease anywhere in the United States, and that such outbreak threatens the livestock or poultry of the United States, he may seize, quarantine, and dispose of, in such manner as he deems necessary or appropriate, any animals in the United States which he finds are or have been affected with or exposed to any such dis-

ease and the carcasses of any such animals and any products and articles which he finds were so related to such animals as to be likely to be a means of disseminating any such disease: *Provided*, That action shall be taken under this subsection only if the Secretary finds that adequate measures are not being taken by the State or other jurisdiction. The Secretary shall notify the appropriate official of the State or other jurisdiction before any action is taken in any such State or other jurisdiction pursuant to this subsection.

**(c) Notice to owner to quarantine or to dispose of animal, carcass, product, or article; action on failure to comply; costs**

The Secretary in writing may order the owner of any animal, carcass, product, or article referred to in subsection (a) or (b) of this section, or the agent of such owner, to maintain in quarantine, and to dispose of such animal, carcass, product, or article in such manner as the Secretary may direct pursuant to authority vested in him by such subsections. If such owner or agent fails to do so after receipt of such notice, the Secretary may take action as authorized by said subsections (a) and (b) and recover from such owner or agent the reasonable costs of any care, handling, and disposal incurred by the Secretary in connection therewith. Such costs shall not constitute a lien against the animals, carcasses, products, or articles involved. Costs collected under this section shall be credited to the current appropriation for carrying out animal disease control activities of the Department.

**(d) Compensation of owner; fair market value; payments from State or other source; availability of funds**

Except as provided in subsection (e) of this section, the Secretary shall compensate the owner of any animal, carcass, product, or article destroyed pursuant to the provisions of this section. Such compensation shall be based upon the fair market value as determined by the Secretary, of any such animal, carcass, product, or article at the time of the destruction thereof. Compensation paid any owner under this subsection shall not exceed the difference between any compensation received by such owner from a State or other source and such fair market value of the animal, carcass, product, or article. Funds in the Treasury available for carrying out animal disease control activities of the Department of Agriculture shall be used for carrying out this subsection.

**(e) Restriction on payment of compensation in cases of violation of law or regulation**

No such payment shall be made by the Secretary for any animal, carcass, product, or article which has been moved or handled by the owner thereof or his agent knowingly in violation of a law or regulation administered by the Secretary for the prevention of the interstate dissemination of the communicable disease, for which the animal, carcass, product, or article was destroyed or a law or regulation for the enforcement of which the Secretary enters or has entered into a cooperative agreement for the control and eradication of such disease, or for any animal which has moved into the United

States contrary to such law or regulation administered by the Secretary for the prevention of the introduction of a communicable disease of livestock or poultry.

(Pub. L. 87-518, §2, July 2, 1962, 76 Stat. 129.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134e, 134f, 134g, 134h, 136a of this title; title 16 section 1540.

**§ 134b. Regulations for clean and sanitary movement of animals**

The Secretary, in order to protect the health of the livestock or poultry of the Nation, may promulgate regulations requiring that railway cars; vessels; airplanes; trucks; and other means of conveyance; stockyards; feed, water, and rest stations; and other facilities, used in connection with the movement of animals into or from the United States, or interstate, be maintained in a clean and sanitary condition, including requirements for inspection, cleaning, and disinfection.

(Pub. L. 87-518, §3, July 2, 1962, 76 Stat. 130.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134e, 134f, 134g, 134h, 136a of this title; title 16 section 1540.

**§ 134c. Regulations for movement of animals affected or exposed to communicable disease**

The Secretary is authorized to promulgate regulations prohibiting or regulating the movement into the United States of any animals which are or have been affected with or exposed to any communicable animal disease, or which have been vaccinated or otherwise treated for any such disease, or which he finds would otherwise be likely to introduce or disseminate any such disease, when he determines that such action is necessary to protect the livestock or poultry of the United States.

(Pub. L. 87-518, §4, July 2, 1962, 76 Stat. 130.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134e, 134f, 134g, 134h, 136a of this title; title 16 section 1540.

**§ 134d. Inspections and seizures; issuance of warrants**

Employees of the Department of Agriculture designated by the Secretary for the purpose, when properly identified, shall have authority (1) to stop and inspect, without a warrant, any person or means of conveyance, moving into the United States from a foreign country, to determine whether such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for prevention of the introduction or dissemination of any communicable animal disease; (2) to stop and inspect, without a warrant, any means of conveyance moving interstate upon probable cause to believe that such means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable

animal disease; and (3) to enter upon, with a warrant, any premises for the purpose of making inspections and seizures necessary under such laws and regulations. Any Federal judge, or any judge of a court of record in the United States, or any United States magistrate judge, may, within his jurisdiction, upon proper oath or affirmation indicating probable cause to believe that there is on certain premises any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease, issue warrants for the entry upon such premises and for inspections and seizures necessary under such laws and regulations. Such warrants may be executed by any authorized employee of the Department of Agriculture.

(Pub. L. 87-518, § 5, July 2, 1962, 76 Stat. 130; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

#### CHANGE OF NAME

“United States magistrate judge” substituted in text for “United States magistrate” pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “United States magistrate” substituted for “United States commissioner” pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134e, 134f, 134g, 134h, 136a of this title; title 16 section 1540.

### § 134e. Enforcement provisions

#### (a) Criminal and civil penalties

(1) Whoever knowingly violates any regulation promulgated pursuant to the provisions of sections 134 through 134d of this title shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding one year, or both.

(2) Whoever violates any such regulation may be assessed a civil penalty by the Secretary not exceeding \$1,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28. The validity of such order may not be reviewed in an action to collect such civil penalty.

#### (b) Injunctive proceedings

The Secretary may bring an action to enjoin the violation of, or to compel compliance with, any regulation promulgated or order issued under said sections, or to enjoin any interference by any person with an employee of the Department of Agriculture in carrying out any duties under said sections, whenever the Secretary has reason to believe that such person has violated, or is about to violate, any such regulation or order, or has interfered, or is about to interfere, with any such employee. Such action shall be brought in the United States district court, or the United States court of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the violation, omis-

sion, or interference has occurred or is about to occur. Process in such cases may be served in any judicial district wherein the defendant resides or transacts business or wherever the defendant may be found, and subpoenas for witnesses who are required to attend the court in any judicial district in any such cases may run into any other judicial district.

(Pub. L. 87-518, § 6, July 2, 1962, 76 Stat. 131; Pub. L. 97-461, § 8, Jan. 12, 1983, 96 Stat. 2525.)

#### AMENDMENTS

1983—Subsec. (a), Pub. L. 97-461 designated existing provisions as par. (1), substituted “\$5,000” for “\$1,000”, and added par. (2).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134f, 134g, 134h, 136a of this title; title 16 section 1540.

### § 134f. Promulgation of regulations

The Secretary is authorized to issue such regulations as he deems necessary to carry out the provisions of this Act.

(Pub. L. 87-518, § 11, July 2, 1962, 76 Stat. 132.)

#### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 87-518, July 2, 1962, 76 Stat. 129, as amended, which enacted sections 134 to 134h of this title and amended sections 114a, 123 to 126, and 128 of this title and section 1114 of Title 18, Crimes and Criminal Procedure. For complete classification of this Act to the Code, see Tables.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134g, 134h, 136a of this title; title 16 section 1540.

### § 134g. Authority in addition to other laws; repeal of inconsistent provisions

The authority conferred by this Act shall be in addition to authority conferred by other statutes. Any provision of any other Act inconsistent with the provisions of this Act is repealed.

(Pub. L. 87-518, § 12, July 2, 1962, 76 Stat. 132.)

#### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 87-518, July 2, 1962, 76 Stat. 129, as amended, which enacted sections 134 to 134h of this title and amended sections 114a, 123 to 126, and 128 of this title and section 1114 of Title 18, Crimes and Criminal Procedure. For complete classification of this Act to the Code, see Tables.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134f, 134h, 136a of this title; title 16 section 1540.

### § 134h. Separability

If any provision of this Act or application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

(Pub. L. 87-518, § 13, July 2, 1962, 76 Stat. 132.)

#### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 87-518, July 2, 1962, 76 Stat. 129, as amended, which enacted sections 134 to 134h of this title and amended sections 114a, 123 to 126, and 128 of this title and section 1114 of Title 18,

Crimes and Criminal Procedure. For complete classification of this Act to the Code, see Tables.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134f, 134g, 136a of this title; title 16 section 1540.

### **§ 135. International animal quarantine station; establishment; acceptance of gifts; cooperation with breeders' organizations; collection of fees**

The Secretary of Agriculture is authorized, in his discretion, to establish and maintain an international animal quarantine station within the territory of the United States. The quarantine station shall be located on an island selected by the Secretary of Agriculture where, in his judgment, maximum animal disease and pest security measures can be maintained. The Secretary of Agriculture is authorized to acquire land or any interest therein, by purchase, donation, exchange, or otherwise and construct or lease buildings, improvements, and other facilities as may be necessary for the establishment and maintenance of such quarantine station. The Secretary of Agriculture, on behalf of the United States, is authorized to accept any gift or donation of money, personal property, buildings, improvements, and other facilities for the purpose of conducting the functions authorized under sections 135 to 135b of this title. Notwithstanding the provisions of any other law to prevent the introduction or dissemination of livestock or poultry disease or pests, animals may be brought into the quarantine station from any country, including but not limited to those countries in which the Secretary of Agriculture determines that rinderpest or foot-and-mouth disease exists, and subsequently moved into other parts of the United States in accordance with such conditions as the Secretary of Agriculture shall determine are adequate in order to prevent the introduction into and the dissemination within the United States of livestock or poultry diseases or pests. The Secretary of Agriculture is authorized to cooperate in such manner as he deems appropriate, with other countries or with breeders' organizations or similar organizations or with individuals regarding importation of animals into and through the quarantine station and to charge and collect reasonable fees for use of the facilities of such station from importers. Such fees shall be deposited into the Treasury of the United States to the credit of the appropriation charged with the operating expenses of the quarantine station. The Secretary is authorized to issue such regulations as he deems necessary to carry out the provisions of sections 135 to 135b of this title.

(Pub. L. 91-239, §1, May 6, 1970, 84 Stat. 202; Pub. L. 103-465, title IV, §431(j), Dec. 8, 1994, 108 Stat. 4969.)

#### AMENDMENTS

1994—Pub. L. 103-465, in sixth sentence, struck out “North American” before “countries” and “within the United States” after “individuals”.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-465 effective, except as otherwise provided, on the date of entry into force of

the World Trade Organization Agreement with respect to the United States [Jan. 1, 1995], see section 451 of Pub. L. 103-465, set out as an Effective Date note under section 3601 of Title 19, Customs Duties.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 135a, 135b, 136a of this title; title 16 section 1540.

### **§ 135a. Smuggling penalties**

#### **(a) Criminal penalty**

The provisions and penalties of section 545 of title 18 shall apply to the bringing of animals to the quarantine station or the subsequent movement of animals to other parts of the United States, including Puerto Rico, Guam, and the Virgin Islands, contrary to the conditions prescribed by the Secretary in regulations issued hereunder.

#### **(b) Civil penalty**

Any person who brings any animal to the quarantine station or moves any animal from the quarantine station, contrary to the conditions prescribed by the Secretary in regulations issued hereunder, may be assessed a civil penalty by the Secretary not to exceed \$1,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28. The validity of such order may not be reviewed in an action to collect such civil penalty.

(Pub. L. 91-239, §2, May 6, 1970, 84 Stat. 202; Pub. L. 97-461, §9, Jan. 12, 1983, 96 Stat. 2525.)

#### AMENDMENTS

1983—Pub. L. 97-461 designated existing provisions as subsec. (a) and added subsec. (b).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 135, 135b of this title; title 16 section 1540.

### **§ 135b. Authorization of appropriations**

There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of sections 135 to 135b of this title.

(Pub. L. 91-239, §3, May 6, 1970, 84 Stat. 202.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 135, 135a of this title; title 16 section 1540.

### **§ 136. Additional inspection services**

The Secretary of Agriculture, in carrying out regulations prohibiting or restricting the entry of materials that may harbor pests, or diseases, is authorized to enter into agreements with operators or owners of vessels or aircraft for the purpose of providing inspection services at points of entry in the United States in addition to the regular or on-call basis currently available in connection with such vessels or aircraft. Any such agreement shall provide for the payment by the operator or owner of an amount determined by the Secretary to be necessary to defray the costs of providing additional service pursuant to such agreement.

(Pub. L. 101-624, title XXV, § 2508, Nov. 28, 1990, 104 Stat. 4069.)

**§ 136a. Collection of fees for inspection services**

**(a) Quarantine, inspection and transportation fees**

**(1) Quarantine and inspection**

**(A) In general**

The Secretary of Agriculture (hereafter referred to in this section as the “Secretary”) may prescribe and collect fees to cover the cost of providing agricultural quarantine and inspection services in connection with the arrival at a port in the customs territory of the United States, or the preclearance or preinspection at a site outside the customs territory of the United States, of an international passenger, commercial vessel, commercial aircraft, commercial truck, or railroad car.

**(B) Airport inspection services**

For airport inspection services, the Secretary shall collect no more than \$69,000,000 in fiscal year 1992 and \$75,000,000 in fiscal year 1993 from international airline passengers and commercial aircraft operators.

**(C) Commercial truck and railroad car inspection services**

For commercial truck and railroad car inspection services, the Secretary shall collect no more than \$3,667,000 in fiscal year 1992 and \$3,890,000 in fiscal year 1993 from commercial truck and railroad car operators.

**(D) Costs**

Fees, including fees from international airline passengers and commercial aircraft operators, may only be collected to the extent that the Secretary reasonably estimates that the amount of the fees are commensurate with the costs of agricultural quarantine and inspection services with respect to the class of persons or entities paying the fees. The costs of such services with respect to passengers as a class includes the costs of related inspections of the aircraft.

**(2) Treasury**

Any person who collects a fee under this subsection shall remit such fee to the Treasury of the United States prior to the date that is 31 days after the close of the calendar quarter in which such fee is collected.

**(3) Agricultural Quarantine Inspection User Fee Account**

**(A) Establishment**

There is established in the Treasury of the United States a no-year fund, to be known as the “Agricultural Quarantine Inspection User Fee Account” (hereafter referred to in this section as the “Account”), for the use of the Secretary for quarantine or inspection services under this section.

**(B) Amounts in Account**

**(i) Deposits**

All of the fees collected under this subsection shall be deposited in the Account.

**(ii) Reimbursement**

The Secretary of the Treasury shall use the Account to provide reimbursements to any appropriation accounts that incur the costs associated with the administration of this subsection and all other activities carried out by the Secretary at ports in the customs territory of the United States and at preclearance or preinspection sites outside the customs territory of the United States in connection with the enforcement of the animal quarantine laws. Any such reimbursement shall be subject to appropriations under clause (v).

**(iii) Procedure**

The Secretary of the Treasury shall make reimbursement under clause (ii) on a quarterly basis. Amounts required to be reimbursed under clause (ii), shall be made on the basis of estimates made by the Secretary of the expenses described in clause (ii) that are incurred by the Secretary in the 3-month period immediately preceding such reimbursement.

**(iv) Adjustments**

Adjustments of reimbursements made under clause (ii) shall be made to the extent necessary to correct prior estimates that were in excess of, or less than, the amount required to be reimbursed under clause (iii).

**(v) Authorization of appropriations**

There are authorized to be appropriated each fiscal year amounts in the Fund<sup>1</sup> for use for quarantine or inspection services.

**(4) Adjustment in fee amounts**

Subject to the limits set forth in paragraph (1), the Secretary shall adjust the amount of the fees to be assessed under this subsection to reflect the cost to the Secretary in administering such subsection, in carrying out the activities at ports in customs territory of the United States and preclearance and preinspection sites outside the customs territory of the United States in connection with the provision of agricultural quarantine inspection services, and in maintaining a reasonable balance in the Account.

**(b) Omitted**

**(c) Animal inspection and veterinary diagnostics**

**(1) Animal inspection**

The Secretary may prescribe and collect fees to reimburse the Secretary for the cost of carrying out the provisions of the Federal Animal Quarantine Laws that relate to the importation, entry, and exportation of animals, articles, or means of conveyance.

**(2) Omitted**

**(3) Fees**

All fees collected pursuant to this subsection and any late payment penalties or accrued interest collected pursuant to this subsection shall be credited to the accounts that

<sup>1</sup> So in original. Probably should be “Account”.

incur the cost and shall remain available until expended without fiscal year limitation.

**(4) Liability**

Any person for whom an activity related to the importation, entry, or exportation of an animal, article, or means of conveyance or relating to veterinary diagnostics, is performed pursuant to the section, shall be liable for payment of fees assessed. Upon failure to pay such fees when due, the Secretary shall assess a late payment penalty, and such overdue fees shall accrue interest, as required by section 3717 of title 31. All fees, late payment penalties, and accrued interest collected shall be credited to such accounts that incur the costs and shall remain available until expended without fiscal year limitation.

**(5) Liens<sup>2</sup>**

**(A) In general**

The Secretary shall have a lien against the animal, article, means of conveyance, or facility for which services have been provided under this section for the fees, any late payment penalty, and any accrued interest assessed under this subsection.

**(B) Other animals, etc.**

In the case of any person who fails to make payment when due under this subsection, the Secretary shall have a lien against any animal, article, or means of conveyance thereafter imported, moved in interstate commerce, or attempted to be exported by the person after the date of such failure until the date on which such owner or operator make<sup>3</sup> full payment to the Secretary under this subsection.

**(C) Sales of animals, etc.**

**(i) Authority**

The Secretary may, if a person does not pay fees, late payment penalties, or accrued interest on such, after providing reasonable notice of default to such person, sell at public sale after reasonable public notice, or otherwise dispose of, any such animal, article, means of conveyance or facility on which the Secretary has a lien under this paragraph.

**(ii) Excess proceeds**

If the sale proceeds under clause (i) exceed the fees due, any late payment penalty assessed, any accrued interest on such, and the expenses associated with the sale, such excess shall be paid to the owner of the animal, article, means of conveyance, or facility if such owner submits an application for such excess together with proof of ownership not later than 6 months after the date of such sale. If no such application is made, such excess shall be credited to accounts that incur the costs associated with the fees collected and shall remain available until expended, without fiscal year limitation. The Secretary shall suspend performance of services to persons

who have failed to pay fees, late payment penalty, or accrued interest under this section.

**(d) Regulations**

The Secretary may prescribe such regulations as the Secretary determines necessary to carry out the provisions of this section.

**(e) Recovery of amounts owed**

An action may be brought for the recovery of fees, late payment penalties, and accrued interest which have not been paid in accordance with this section against any person obligated for payment of such assessments under this section in any United States district court or other United States court for any territory or possession in any jurisdiction in which such person is found or resides or transacts business, and such court shall have jurisdiction to hear and decide such action.

**(f) Definitions**

**(1) Animal quarantine laws**

For purposes of this section, the term “animal quarantine laws” means—

(A) section 306 of the Tariff Act of 1930 (19 U.S.C. 1306);

(B) sections 6 through 10 of the Act of August 30, 1890 (26 Stat. 416, chapter 839; 21 U.S.C. 101–105);

(C) section 2 of the Act of February 2, 1903 (32 Stat. 792, chapter 349; 21 U.S.C. 111);

(D) the Act of May 29, 1884 (23 Stat. 32, chapter 60; 21 U.S.C. 112 to 114a–1, 115, 117–119, and 130) (commonly known as the “Animal Industry Act”);

(E) the Act of February 28, 1947 (61 Stat. 7, chapter 8; 21 U.S.C. 114b, 114c, and 114d–1);

(F) the Act of June 16, 1948 (62 Stat. 458, chapter 477; 21 U.S.C. 114e and 114f);

(G) Public Law 87–209 (21 U.S.C. 114g and 114h);

(H) the Act of May 31, 1920 (41 Stat. 699, chapter 217; 21 U.S.C. 116);

(I) the Act of February 2, 1903 (32 Stat. 791, chapter 349; 21 U.S.C. 112 and 120–122) (commonly known as the “Cattle Contagious Diseases Act of 1903”);

(J) the Act of March 3, 1905 (33 Stat. 1264, chapter 1496; 21 U.S.C. 123–127) (commonly known as the “Cattle Contagious Diseases Act of 1905”);

(K) the matter under the heading “Bureau of Animal Industry” of the Act of June 30, 1914 (38 Stat. 419, chapter 131; 21 U.S.C. 128);

(L) section 101 of Public Law 92–73 (21 U.S.C. 129);

(M) the matter under the heading “Miscellaneous” of the Act of May 26, 1910 (36 Stat. 440, chapter 256; 21 U.S.C. 131);

(N) sections 1 through 6 and 11 through 13 of Public Law 87–518 (21 U.S.C. 134–134h); or

(O) any other Act administered by the Secretary relating to plant or animal diseases or pests, other than the first section of Public Law 91–239 (21 U.S.C. 135).

**(2) Customs territory**

For the purposes of subsection (a) of this section, the term “customs territory of the United States” means the 50 States, the District of Columbia, and Puerto Rico.

<sup>2</sup> So in original. Probably should be “Liens”.

<sup>3</sup> So in original. Probably should be “makes”.

**(3) Person**

For the purposes of this section, the term “person” means an individual, corporation, partnership, trust, association, or any other public or private entity, or any officer, employee, or agent thereof.

**(4) United States**

For the purposes of subsection (b) of this section, the term “United States” means the several States of the United States, the District of Columbia, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

**(5) Vessel**

For the purposes of subsection (a) of this section, the term “vessel” does not include any ferry.

(Pub. L. 101-624, title XXV, §2509, Nov. 28, 1990, 104 Stat. 4069; Pub. L. 101-508, title I, §1203, Nov. 5, 1990, 104 Stat. 1388-11; Pub. L. 102-237, title X, §1015, Dec. 13, 1991, 105 Stat. 1902.)

## REFERENCES IN TEXT

Section 101 of Public Law 92-73, referred to in subsec. (f)(1)(L), is listed in a Similar Provisions note set out under section 129 of this title.

## CODIFICATION

Section is comprised of section 2509 of Pub. L. 101-624. Subsecs. (b) and (c)(2) of section 2509 of Pub. L. 101-624 amended section 147a(f) of Title 7, Agriculture, and section 114a of this title, respectively.

## AMENDMENTS

1991—Subsec. (a)(1). Pub. L. 102-237, §1015(1), designated existing provisions as subpar. (A), realigned margin, added heading, and added subpars. (B) to (D).

Subsec. (a)(3)(B)(ii). Pub. L. 102-237, §1015(2), added cl. (ii) and struck out former cl. (ii) which read as follows: “The Secretary of Treasury shall use the Account to provide reimbursements to any appropriations accounts that incur the costs associated with the services authorized in paragraph (1). Any such reimbursement shall be subject to appropriations under clause (v).”

Subsec. (a)(4). Pub. L. 102-237, §1015(3), substituted “Subject to the limits set forth in paragraph (1), the” for “The”.

1990—Subsec. (a)(1). Pub. L. 101-508, §1203(1), substituted “an international passenger, commercial vessel, commercial aircraft, commercial truck, or railroad car.” for “a commercial vessel, commercial aircraft, commercial truck, or railroad car.”

Subsec. (a)(3)(B)(ii). Pub. L. 101-508, §1203(2)(A), inserted at end “Any such reimbursement shall be subject to appropriations under clause (v).”

Subsec. (a)(3)(B)(v). Pub. L. 101-508, §1203(2)(B), added cl. (v).

## EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 effective Nov. 29, 1990, see section 1301 of Pub. L. 101-508, set out as a note under section 511r of Title 7, Agriculture.

## REPORT ON AGRICULTURAL QUARANTINE INSPECTION FUND

Pub. L. 104-66, title I, §1012(c), Dec. 21, 1995, 109 Stat. 712, provided that: “The Secretary of Agriculture shall not be required to submit a report to the appropriate committees of Congress on the status of the Agricultural Quarantine Inspection fund more frequently than annually.”

## SUBCHAPTER IV—IMPORTATION OF MILK AND CREAM

## FEDERAL FOOD, DRUG, AND COSMETIC ACT

By virtue of act June 25, 1938, ch. 675, §902(c), 52 Stat. 1059 [section 392(b) of this title], nothing contained in section 301 et seq. of this title shall be construed as in any way affecting, modifying, repealing, or superseding the provisions of this subchapter.

## SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 392 of this title.

**§ 141. Prohibition of importation without permit**

On and after May 16, 1927, the importation into the United States of milk and cream is prohibited unless the person by whom such milk or cream is shipped or transported into the United States holds a valid permit from the Secretary of Health and Human Services.

(Feb. 15, 1927, ch. 155, §1, 44 Stat. 1101; 1940 Reorg. Plan No. IV, §12, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, §5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96-88, title V, §509(b), 93 Stat. 695.)

## CHANGE OF NAME

“Secretary of Health and Human Services” substituted in text for “Secretary of Health, Education, and Welfare” pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

## SHORT TITLE

Act July 12, 1943, ch. 221, title II, 57 Stat. 499, provided in part that act Feb. 15, 1927, which is classified to this subchapter, may be cited as “Import Milk Act”.

## TRANSFER OF FUNCTIONS

For transfer of functions of Federal Security Administrator to Secretary of Health, Education, and Welfare [now Health and Human Services], and of Food and Drug Administration to Federal Security Agency, see note set out under section 41 of this title.

## CROSS REFERENCES

Federal Food, Drug, and Cosmetic Act as not affecting, modifying, repealing, or superseding this subchapter, see section 392 of this title.

**§ 142. Milk or cream when unfit for importation**

Milk or cream shall be considered unfit for importation (1) when all cows producing such milk or cream are not healthy and a physical examination of all such cows has not been made within one year previous to such milk being offered for importation; (2) when such milk or cream, if raw, is not produced from cows which have passed a tuberculin test applied by a duly authorized official veterinarian of the United States, or of the country in which such milk or cream is produced, within one year previous to the time of the importation, showing that such cows are free from tuberculosis; (3) when the sanitary conditions of the dairy farm or plant in which such milk or cream is produced or handled do not score at least fifty points out of one hundred points according to the methods for scoring as provided by the score cards, used by the Bureau of Dairy Industry of the United States Department of Agriculture at the time

such dairy farms or plants are scored; (4) in the case of raw milk if the number of bacteria per cubic centimeter exceeds three hundred thousand and in the case of raw cream seven hundred and fifty thousand, in the case of pasteurized milk if the number of bacteria per cubic centimeter exceeds one hundred thousand, and in the case of pasteurized cream five hundred thousand; (5) when the temperature of milk or cream at the time of importation exceeds fifty degrees Fahrenheit.

(Feb. 15, 1927, ch. 155, § 2, 44 Stat. 1101.)

#### TRANSFER OF FUNCTIONS

Agricultural Research Service became the successor to functions of Bureau of Dairy Industry under Secretary of Agriculture's Memorandum 1320, Supplement 4, Nov. 2, 1953.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 143 of this title.

### **§ 143. Inspection; certified statement in lieu thereof; waiver of requirements of section 142; regulations; suspension and revocation of permits**

The Secretary of Health and Human Services shall cause such inspections to be made as are necessary to insure that milk and cream are so produced and handled as to comply with the provisions of section 142 of this title, and in all cases when he finds that such milk and/or cream is produced and handled so as not to be unfit for importation under clauses 1, 2, and 3 of section 142 of this title, he shall issue to persons making application therefor permits to ship milk and/or cream into the United States: *Provided*, That in lieu of the inspections to be made by or under the direction of the Secretary he may, in his discretion, accept a duly certified statement signed by a duly accredited official of an authorized department of any foreign government and/or of any State of the United States or any municipality thereof that the provisions in clauses 1, 2, and 3 of section 142 of this title have been complied with. Such certificate of the accredited official of an authorized department of any foreign government shall be in the form prescribed by the Secretary, who is authorized and directed to prescribe such form as well as rules and regulations regulating the issuance of permits to import milk or cream into the United States.

The Secretary is authorized, in his discretion, to waive the requirement of clause 4 of section 142 of this title when issuing permits to operators of condenseries in which milk and/or cream is used when sterilization of the milk and/or cream is a necessary process: *Provided, however*, That no milk and/or cream shall be imported whose bacterial count per cubic centimeter in any event exceeds one million two hundred thousand: *Provided, further*, That such requirements shall not be waived unless the farm producing such milk to be imported is within a radius of fifteen miles of the condenser in which it is to be processed: *Provided further*, That if milk and/or cream imported when the requirements of clause 4 of section 142 of this title, have been so waived, is sold, used, or disposed of in its raw state or otherwise than as condensed milk by any person, the permit shall be revoked

and the importer shall be subject to fine, imprisonment, or other penalty prescribed by this subchapter.

The Secretary is directed to waive the requirements of clauses 2 and 5 of section 142 of this title insofar as the same relate to milk when issuing permits to operators of, or to producers for delivery to, creameries and condensing plants in the United States within twenty miles of the point of production of the milk, and who import no raw milk except for pasteurization or condensing: *Provided*, That if milk imported when the requirements of clauses 2 and 5 of section 142 of this title have been so waived is sold, used, or disposed of in its raw state, or otherwise than as pasteurized, condensed, or evaporated milk by any person, the permit shall be revoked and the importer shall be subjected to fine, imprisonment, or other penalty prescribed by this subchapter.

The Secretary is authorized and directed to make and enforce such regulations as may in his judgment be necessary to carry out the purpose of this subchapter for the handling of milk and cream, for the inspection of milk, cream, cows, barns, and other facilities used in the production and handling of milk and/or cream and the handling, keeping, transporting, and importing of milk and/or cream: *Provided, however*, That unless and until the Secretary shall provide for inspections to ascertain that clauses 1, 2, and 3 of section 142 of this title have been complied with, the Secretary shall issue temporary permits to any applicants therefor to ship or transport milk and/or cream into the United States.

The Secretary is authorized to suspend or revoke any permit for the shipment of milk or cream into the United States when he shall find that the holder thereof has failed to comply with the provisions of or has violated this subchapter or any of the regulations made hereunder, or that the milk and/or cream brought or shipped by the holder of such permit into the United States is not produced and handled in conformity with, or that the quality thereof does not conform to, all of the provisions of section 142 of this title.

(Feb. 15, 1927, ch. 155, § 3, 44 Stat. 1102; 1940 Reorg. Plan No. IV, § 12, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96-88, title V, § 509(b), 93 Stat. 695.)

#### CHANGE OF NAME

"Secretary of Health and Human Services" substituted in text for "Secretary of Health, Education, and Welfare" pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

#### TRANSFER OF FUNCTIONS

For transfer of functions of Federal Security Administrator to Secretary of Health, Education, and Welfare [now Health and Human Services], and of Food and Drug Administration to Federal Security Agency, see note set out under section 41 of this title.

### **§ 144. Unlawful receiving of imported milk or cream**

It shall be unlawful for any person in the United States to receive milk or cream imported

into the United States unless the importation is in accordance with the provisions of this subchapter.

(Feb. 15, 1927, ch. 155, § 4, 44 Stat. 1103.)

#### § 145. Penalties

Any person who knowingly violates any provision of this subchapter shall, in addition to all other penalties prescribed by law, be punished by a fine of not less than \$50 nor more than \$2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

(Feb. 15, 1927, ch. 155, § 5, 44 Stat. 1103.)

#### § 146. Authorization of appropriations

There is authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$50,000 per annum, to enable the Secretary of Health and Human Services to carry out the provisions of this subchapter.

(Feb. 15, 1927, ch. 155, § 6, 44 Stat. 1103; 1940 Reorg. Plan No. IV, § 12, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96-88, title V, § 509(b), 93 Stat. 695.)

##### CHANGE OF NAME

“Secretary of Health and Human Services” substituted in text for “Secretary of Health, Education, and Welfare” pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

##### TRANSFER OF FUNCTIONS

For transfer of functions of Federal Security Administrator to Secretary of Health, Education, and Welfare [now Health and Human Services], and of Food and Drug Administration to Federal Security Agency, see Transfer of Functions note set out under section 41 of this title.

#### § 147. Repeal of inconsistent laws

Any laws or parts of laws inconsistent with this subchapter are repealed.

(Feb. 15, 1927, ch. 155, § 7, 44 Stat. 1103.)

##### CROSS REFERENCES

Federal Food, Drug, and Cosmetic Act as not affecting, modifying, repealing, or superseding this subchapter, see section 392 of this title.

#### § 148. Powers of State with respect to milk or cream lawfully imported

Nothing in this subchapter is intended nor shall be construed to affect the powers of any State, or any political subdivision thereof, to regulate the shipment of milk or cream into, or the handling, sale, or other disposition of milk or cream in, such State or political subdivision after the milk and/or cream shall have been lawfully imported under the provisions of this subchapter.

(Feb. 15, 1927, ch. 155, § 8, 44 Stat. 1103.)

#### § 149. Definitions

When used in this subchapter—

(a) The term “person” means an individual, partnership, association, or corporation.

(b) The term “United States” means the fifty States and the District of Columbia.

(Feb. 15, 1927, ch. 155, § 9, 44 Stat. 1103; June 25, 1959, Pub. L. 86-70, § 19, 73 Stat. 145; July 12, 1960, Pub. L. 86-624, § 15, 74 Stat. 415.)

##### AMENDMENTS

1960—Subsec. (b). Pub. L. 86-624 substituted “means the fifty States and the District of Columbia” for “means continental United States, including Alaska”.

1959—Subsec. (b). Pub. L. 86-70 inserted “, including Alaska” after “continental United States”.

### CHAPTER 5—VIRUSES, SERUMS, TOXINS, ANTITOXINS, AND ANALOGOUS PRODUCTS

Sec.

- 151. Preparation and sale of worthless or harmful products for domestic animals prohibited; preparation to be in compliance with rules at licensed establishments.
- 152. Importation regulated and prohibited.
- 153. Inspection of imports; denial of entry and destruction.
- 154. Regulations for preparation and sale; licenses.
- 154a. Special licenses for special circumstances; expedited procedure; conditions; exemptions; criteria.
- 155. Permits for importation.
- 156. Licenses conditioned on permitting inspection; suspension of licenses.
- 157. Inspection.
- 158. Offenses; punishment.
- 159. Enforcement; penalties applicable; Congressional findings.

##### FEDERAL FOOD, DRUG, AND COSMETIC ACT

By virtue of act June 25, 1938, ch. 675, § 902(c), 52 Stat. 1059 [section 392(b) of this title], nothing contained in section 301 et seq. of this title shall be construed as in any way affecting, modifying, repealing, or superseding the provisions of this chapter.

##### CROSS REFERENCES

Biological products, regulation, see section 262 of Title 42, The Public Health and Welfare.

##### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 382, 392 of this title; title 15 section 1459; title 35 sections 156, 271.

#### § 151. Preparation and sale of worthless or harmful products for domestic animals prohibited; preparation to be in compliance with rules at licensed establishments

It shall be unlawful for any person, firm, or corporation to prepare, sell, barter, or exchange in the District of Columbia, or in the Territories, or in any place under the jurisdiction of the United States, or to ship or deliver for shipment in or from the United States, the District of Columbia, any territory of the United States, or any place under the jurisdiction of the United States, any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product intended for use in the treatment of domestic animals, and no person, firm, or corporation shall prepare, sell, barter, exchange, or ship as aforesaid any virus, serum, toxin, or analogous product manufactured within the United States and intended for use in the treatment of domestic animals, unless and until the said virus, serum, toxin, or analogous product shall have been prepared, under and in compliance